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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8492/2017**

RAVI SHANKAR AND ORS

..... Petitioners

Through: Ms.Saahila Lamba, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Satyendra Kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.04.2018

1. On the last date of hearing, learned counsel for the petitioners had stated that the present petition is squarely covered by the judgment dated 10.08.2017, passed by a Division Bench of this Court in **W.P.(C) 4368/2017**, entitled Dharmbir Singh vs. Union of India & Ors.
2. The orders were deferred on this petition on the previous date of hearing as learned counsel for the respondents has stated that Department was proposing to file an SLP, challenging the order dated 10.08.2017, in the captioned case, which is likely to be listed before the Supreme Court very soon.
3. Learned counsel for the petitioners submits that recently a Division Bench of this Court, of which one of us (Hima Kohli, J.) was a Member, has passed an order dated 02.02.2018, allowing a similar petition, registered as **W.P.(C) 6298/2014**, entitled Vikas Chandel vs. Union of India & Ors. by relying on the judgment in the case of Dharmbir Singh (supra) and the fact position in the instant case is squarely covered by above decisions.

4. The aforesaid position is not denied by the learned counsel for the respondents who has been furnished a copy of the order dated 02.02.2018, passed in the case of Vikas Chandel (supra). His only submission is that the SLP (Civil) No.2438/2018, filed by the Union of India against the judgment dated 10.08.2017, in Dharambir Singh's case, was listed before the Supreme Court on 26.03.2018 and notice has been issued on the said petition. A copy of the order dated 26.03.2018 is handed over by learned counsel for the respondents. Admittedly, no interim order has been granted in favour of the respondents on the captioned SLP.

5. In this view of the matter, the present petition is allowed on the same lines and on the same terms, as recorded in para 5 & 6 of the judgment dated 10.08.2017, passed in Dharmbir Singh (supra), which are reproduced herein below for ready reference:

*“5. This contention and stand of the respondents has been rejected by this Court in several cases. Reference can be made to the judgment dated 27th January, 2015 in **WP(C) no.727/2015** titled Dasrath & Ors. vs. Union of India & Anr., judgment dated 18th July, 2016 in **WP(C) no.10071/2015** titled Ram Niwas vs. Union of India & Ors., judgment dated 2nd March, 2015 in **WP(C) 1853/2015** titled Lalit Kumar Choudhary vs. Union of India & Ors. and judgment dated 4th November, 2016 in **WP(C) No.8058/2015** titled Union of India & Ors. vs. Malbika Deb Gupta & Ors. **These decisions highlight that there cannot be two different pay scales for the same posts, one for those who are appointed prior to 1st January, 2006 or promoted even after 1st January, 2006 and those who are appointed as direct recruit after 1st January, 2006.***

6. In view of the aforesaid position, the writ petition has to be allowed. Accordingly, mandamus is issued that the petitioner would be entitled to benefit of the revised pay as applicable to a direct recruit w.e.f. 1st January, 2006. The arrears of pay would be paid within a period of 4 months from the date a copy of this order is received. Non-payment within a period of 4 months would entail payment of interest @ 8% from the date of this order till payment is made. No costs.”(Emphasis added)

6. The present petition is disposed of while leaving the parties to bear their own costs.

HIMA KOHLI, J.

PRATIBHA RANI, J.

APRIL 09, 2018

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