

\$~19

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

+ **W.P.(C) 8311/2018**

SH. ANIL SRIVASTAVA

..... Petitioner

Through: Mr. K.P. Sundar Rao and Mr. Sanjeev
Kumar, Advocates

versus

GOVERNMENT OF NCT OF DELHI AND ANR. Respondents

Through: Ms. Avnish Ahlawat, SC for GNCTD
(Services) with Ms. Palak Rohmetra,
Advocate for R-1
Ms. Mona Sinha, Advocate for Ms.
Ruchira Gupta, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **08.05.2019**

Vide the present petition, the petitioner prays as under:-

- a. Quash the letter diary No. 1559 dated 28.06.2017 issued by the respondents. The petitioner is entitled to same benefit as were given by the respondents to the other officers on the basis of parity;
- b. Clarify that 'Last Pay Drawn minus Pension' includes DA, HRA, Sumptuary allowances which the petitioner was getting while holding the post of the, Registrar National Consumer Disputes Redressal Commission, New Delhi;
- c. Direct the respondents to pay allowances as the petitioner was getting while holding the post of Registrar National Consumer

Disputes Redressal Commission, New Delhi

On 04.04.2018, counsel appearing on behalf of the petitioner submitted that the issue raised in the instant petition is fully covered by judgment dated 12.02.2019 passed in LPA No. 322/2018.

Accordingly, counsel appearing on behalf of the respondent sought time to take instructions and assist the Court on the next date of hearing.

Today, counsel appearing on behalf of the respondent submits that the case of the petitioner is fully covered by the judgment dated 12.02.2019 passed in the aforesaid LPA and the similar order may be passed in the present petition.

Keeping in view the reasons stated in the instant petition, I hereby dispose of the present petition declaring that the expression 'last pay drawn' occurring in the proviso to Rule 3 (1) (b) and Rule 6(1) (b) of the Rules would include not only the basic pay, but also Dearness Allowance. The emoluments payable to the appellants for the period during which they served as Members of the DCDRF or SCRDC shall be re-worked accordingly and the arrears be paid to each of them by the respondents within a period of eight weeks from today, failing which the respondents would be liable to pay simple interest @ 6% per annum on the said sum, till the date of payment.

The petition is, accordingly, disposed of.

SURESH KUMAR KAIT, J

MAY 08, 2019

rhc