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

% **Date of Decision: 29th July, 2020**

+ **W.P. (C) 4679/2020**

VIJESH KUMAR M AND ORS. PETITIONERS

Through: Mr.Amrendra Mehta, Ms. Pallavi
Daem and Ms. Gunjan Kumari,
Advocates

versus

UNION OF INDIA & ANR. RESPONDENTS

Through: Mr. Chetan Sharma, ASG with
Mr.Harish Vaidyanathan Shankar,
CGSC and Mr.Varun Kishore,
Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

[VIA VIDEO CONFERENCING]

JUSTICE RAJIV SAHAI ENDLAW

C.M. Appl. Nos.16836/2020 & 16837/2020 (for exemption from filing certified copies of annexures P-1 to P-7 and from filing duly affirmed affidavit(s) and to pay the court fees/deficit court fee)

1. Allowed, subject to just exceptions and as per the extant rules.
2. The applications are disposed of.

W.P. (C) 4679/2020

3. The 234 petitioners, being Head Constables [Driver/Driver-cum-Pump Operator (DCPO)] in the respondents Central Industrial Security Force (CISF), have filed this petition seeking fixation of their basic pay at Rs.7,510/- instead of Rs.6,750/-, i.e., basic pay equivalent to other similarly placed Head Constables in the respondents CISF; direction for payment of arrears of pay w.e.f. 1st January, 2006 is also sought.

4. It is not necessary for us to record the facts, it being the case of the petitioners that they are fully covered by the judgment dated 30th November, 2018 of this Court in W.P.(C)10660/2016 titled ***Vinoj V.V. and Ors. V. Union of India & Ors.*** and petitioners wherein were also Head Constables (Driver/DCPO) in the respondents CISF and vide the said judgment, have been directed to be paid basic pay of Rs.7,510/-, at par with other Head Constables, w.e.f. 1st January, 2006, with arrears being paid within eight weeks therefrom.

5. The counsel for the respondents CISF appearing on advance notice has fairly stated that, as per the pleas of the petitioners, the petitioners indeed are covered by the judgment in ***Vinoj V.V. supra***. The Additional Solicitor General (ASG) also appearing for the respondents states that the benefit of the said judgment shall be given to the petitioners, if found entitled thereto. However one week's time to obtain instructions is sought.

6. We are of the view that once the petition has been filed claiming to be covered by *Vinoj V.V. supra*, there is no need to keep the same pending. If any of the petitioners are not covered by the said judgment, the said petitioner/petitioners can be informed of the same by giving reasons in writing.

7. We therefore dispose of this petition by directing the respondents CISF to, within four weeks, examine the case of each of the 234 petitioners and if the petitioners or any of them are found entitled to the relief as granted to the petitioners in *Vinoj V.V. supra*, to grant the same relief to the petitioners/such of the petitioners, as granted in *Vinoj V.V. (supra)* and to release the arrears due within a further period of four weeks therefrom. If the petitioners or any of the petitioners are not found to be covered by *Vinoj V.V. (supra)*, the respondents CISF to, within four weeks aforesaid, inform the petitioners or such of the petitioners, who, according to the respondents CISF, are not covered by the judgment, of the same, in writing, giving reasons.

8. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JULY 29, 2020

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