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

+ **W.P.(C) 948/2016**

ARUN KUMAR DEY & ORS. Petitioners

Through: Ms. Sumita Hazarika, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Jagjit Singh and Mr. Preet Singh,
Advocates.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

% **ORDER**
22.01.2020

W.P.(C) 948/2016 & CM APPL. 2534/2020 (directions)

1. CM APPL. 2534/2020 is an application moved on behalf of the Petitioners for allowing the above captioned writ petition in light of the recent judgment of this Court dated 18th December, 2019 in W.P.(C) 1523/2016 (*All India Railway Accounts Staff Association v. Union of India*).

2. It is stated in the application that the relief prayed for in the present petition, akin to those sought in *All India Railway Accounts Staff Association (supra)*, is for grant of revised pay scales to employees in the Accounts cadre from the date that the recommendations of the 5th Central Pay Commission ('CPC')

became operational. It is stated that the order of the Central Administrative Tribunal ('CAT') dated 15th September, 2015 in OA No. 3997/2014, impugned in the present petition, also relies on the judgment of the Supreme Court dated 27th August, 2007 in C.A. Nos. 2468-2469/2005 (*Union of India v. Arun Jyoti Kundu*) and declines granting the relief prayed for by the Petitioners. It is contended that this Court in *All India Railway Accounts Staff Association* (*supra*) has distinguished the applicability of the judgment of the Supreme Court in *Arun Jyoti Kundu* (*supra*) and set aside the impugned order of the CAT. Further, it is stated that the Petitioners herein are similarly situated employees of the Accounts cadre of the Respondent/Railways and that the present petition must also be allowed.

3. The Court is of the view that the facts in the case at hand are no different from the those constituting the subject matter of this Court's judgment in *All India Railway Accounts Staff Association* (*supra*). The application is accordingly allowed.

4. In that view of the matter, the writ petition is allowed. The order dated 15th September, 2015 in O.A. No. 527/2015 and the order dated 11th December, 2015 passed in RA No. 300/2015 by the Central Administrative Tribunal, Principal Bench, New Delhi, are hereby set aside. A direction is now issued to the Respondents to upgrade the pay scales of the Petitioners, as applicable to each of them, at par with their juniors from the date their juniors were given the higher grade pay.

5. The writ petitions and the application are disposed of in above terms.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 22, 2020
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