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

+ W.P.(C) 838/2020

VIJAY NARAIN SINGH

Through

versus

UNION OF INDIA & ORS

Through

..... Petitioner

Mr. Rajendra Kumar, Advocate

..... Respondents

Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Chetan Shukla, G.P and Mr. Gakul
Sharma, Advocate for UOI/respondents
No.1 and 2.

Mr. Rajiv R. Mishra and Ms. Suruchi
Yadav, Advocates for respondent
No.3/DJB.

+ W.P.(C) 840/2020

RAVINDER KUMAR

Through

versus

UNION OF INDIA & ORS

Through

..... Petitioner

Mr. Rajendra Kumar, Advocate

..... Respondents

Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Chetan Shukla, G.P and Mr. Gakul
Sharma, Advocate for UOI/respondents
No.1 and 2.

Mr. Rajiv R. Mishra and Ms. Suruchi
Yadav, Advocates for respondent
No.3/DJB.

+ W.P.(C) 849/2020

SANJAY KUMAR & ORS

Through

versus

UNION OF INDIA & ORS

Through

..... Petitioners

Mr. Rajendra Kumar, Advocate

..... Respondents

Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Chetan Shukla, G.P and Mr. Gakul
Sharma, Advocate for UOI/respondents
No.1 and 2.

Mr. Rajiv R. Mishra and Ms. Suruchi
Yadav, Advocates for respondent
No.3/DJB.

CORAM:

Signature Not Verified

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

Signing Date: 21.10.2024 16:49:41
Certify that the digital and physical files have been compared and the digital file is correct as per the physical file and no page is missing.

ORDER
11.02.2020

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Three OAs filed by the three petitioners herein were disposed of by the Central Administrative Tribunal (the 'Tribunal') by a common order dated 16.08.2019.

Learned counsel for the petitioners submits that the OAs were disposed of hastily without taking into consideration that the common grievance of the petitioners is regarding non-grant of benefits under the 6th Central Pay Commission (CPC). Counsel submits that in para 3 of the order dated 16.08.2019 the Tribunal has refused to give any direction to the respondents to give the petitioners the option to get their pay fixed as per the new scales of 6th CPC, but no reasons have been given for such a refusal. Para 3 of the order of the Tribunal reads as under:

"3. A perusal of the representations made by the applicants discloses that they are loaded with several unnecessary and complicated issues. One such issue is about the exercise of option. The applicants are not clear as to when the option, if at all, was given to different categories of employees and as to why it was not extended to them, at the relevant point of time. We are not inclined to grant any relief to the applicants as regards the exercise of option at this point of time. Another reason is that even where the options were exercised, the employees who exercised them have virtually repented for choosing them and representations poured in to the respondents, to enable them to revise their options. When such is the case, where options were permitted to be exercised, we cannot direct the respondents to extend the benefit of option to the applicants at this stage."

We have heard the learned counsels for the parties and have considered their submissions.

A reading of order dated 16.08.2019 appears to show that the Tribunal was in fact in haste, in observing that the representations made by the petitioners were loaded with unnecessary and complicated issues. Additionally, in the

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absence of any substantial reasons for not extending the benefit of the option available to the petitioners for fixation of their pay, we are of the view that the order of the Tribunal cannot be sustained.

Accordingly, order dated 16.08.2019 of the Tribunal is set-aside.

As prayed by learned counsel for the petitioners, the petitioners would make a simple representation before the respondents highlighting the relevant issues; and the respondents would consider the representations within eight weeks after receipt of the representations and pass a speaking order.

Needless to say, if the petitioners are still aggrieved, the petitioners may seek such remedy as available to them in accordance with law.

The writ petitions are disposed of in the above terms.


G.S.SISTANI, J



ANUP JAIRAM BHAMBHANI, J

FEBRUARY 11, 2020

pst
W.P.(C) 838/2020 etc.