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

% **Date of decision: 30.09.2020**

+ CONT.CAS(C) 589/2018

DR CHANDRA SHEKHAR SAHUKAR Petitioner
Through: Mr. Nalin Kohli, Advocate

versus

TARUN SHRIDHAR Respondent
Through: Mr. Ripudaman Bharadwaj, CGSC
for UOI with Mr.GN Singh (Joint
Secretary) and Mr.Sharad Srivastava
(Deputy Secretary)

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

% **ORDER**
30.09.2020

JYOTI SINGH, J. (ORAL)

Hearing has been conducted through Video Conferencing.

CM 15778/2020 (for directions) & CM 47461/2019 (for filing amended memorandum of parties)

Mr.G.N. Singh, Joint Secretary, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers' Welfare, is present in Court and submits that the directions given by the Division Bench of this Court in the judgement dated 14.10.2014 have been complied with. Petitioner has been granted promotions under Dynamic Assured Career Progression (DACP), with effect from 25.08.2006 at various levels and has

been paid all consequential financial benefits such as arrears of Pay amounting to Rs.15,74,092/- (Rs.10,82,975/- after deduction of taxes), difference of revised provisional pension upto July 2020 (Rs.2,48,136/-), difference of leave encashment (Rs.4,68,010/-), difference of CGEGIS (Rs.11,528/-) and provisional pension for August 2020 (Rs.1,16,111/-). All amounts have been credited into the account of the Petitioner, subject, however, to reconciliation and recovery of over-payment, if any.

In response to the contention of the Petitioner that the benefit of the Senior Administrative Grade (SAG) level under the DACP has not been given to the Petitioner, an affidavit was filed stating that the present Recruitment Rules notified on 05.02.2020 called the 'Department of Animal Husbandry and Dairying, Veterinary Posts Recruitment Rules, 2020' only provide for promotion posts upto Pay Level – 13 and there is no post in the SAG Grade, which is in the Pay Matrix of Pay Level – 14. A proposal for creation of the SAG post with a nomenclature 'Additional Commissioner' is pending with the Department of Expenditure and as soon as the post is created, the Recruitment Rules for the post shall be framed following the due process, in consultation with DoP&T, UPSC and Ministry of Law. Mr. Singh submits, on instructions, that as and when the process is completed, benefits of the SAG Grade shall be extended to the Petitioner, if he is otherwise eligible, in accordance with law.

Mr. Nalin Kohli learned counsel appearing for the Petitioner submits that he is satisfied with the compliance of the directions of the judgement to this extent and does not press the contempt petition further. He, however, submits that the benefits of the DACP Scheme are to be disbursed with effect from 05.04.2002 as was done in the case of Dental Doctors and this

part of the judgement is not complied with as the benefits have been given to the Petitioner only with effect from 25.08.2006.

In so far as benefits of the DACP w.e.f 05.04.2002 is concerned, the categorical stand of the Petitioner is that all the dental doctors have been given the benefits of DACP from 05.04.2002. Therefore, in terms of the directions of the judgment dated 14.10.2014, the Petitioner is also entitled to the said benefit from 05.04.2002 and not from 25.08.2006. In the affidavit dated 21.09.2020, filed by the Respondents, a categorical stand has been taken, after confirmation from the Ministry of Health & Family Welfare, that except for an isolated case of Mr. P.N. Mehra the benefits to Dental Doctors have been given only from 25.08.2006.

Rebutting the submissions Mr.Kohli submits that there are few other Dental Doctors who have been given benefits from 05.04.2002 and Mr. P.N. Mehra is not an isolated case.

Having heard the learned counsels for the parties, the Court is of the opinion that there has been substantial compliance of the directions passed by the Division Bench of this Court and there is no wilful disobedience or non-compliance of the judgement dated 14.10.2014.

In so far as the claim of the Petitioner for grant of DACP benefits w.e.f. 05.04.2002 is concerned, the issue is left open for the Petitioner to take recourse to appropriate remedies available to him in accordance with law, to agitate the said grievance.

In view of the above, the contempt petition is disposed of.

JYOTI SINGH, J

SEPTEMBER 30, 2020/sr