

\$~28-38, 41, 43-45, 49-50

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

28.

+ W.P.(C) 3742/2021, CM No.11294/2021

EX HC/GD BALA RAM

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER

..... Respondent

Through: Ms. Bharathi Raju, CGSC with Mr.
Aakash Meena (GP) for respondent
No. 1 to 6.
Mr. Anil Kaushik, Sr. Panel Counsel
and Mr. Amit Gupta, GP

29.

+ W.P.(C) 3743/2021, CM No.11295/2021

EX HC GD BABU LAL

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER

..... Respondent

Through: Mrs. Bharathi Raju, CGSC with
Mr. Aakash Meena (GP)
Mr. Anil Kaushik, Sr. Panel Counsel
and Mr. Amit Gupta, GP

30.

+ W.P.(C) 3744/2021, CM No.11296/2021

EX CT/GD AMI LAL

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER

..... Respondent

Through: Mr. Anil Kaushik, C.G.S.C., with Mr.
Amit, GP, Advocate and Mr. Aakash
Meena (GP)
Mr. Anil Kaushik, Sr. Panel Counsel
and Mr. Amit Gupta, GP

31.

+ W.P.(C) 3745/2021 CM No.11297/2021
EX ASI / GD POONMA RAM CHOUDHARY Petitioner
Through: Mr. Om Prakash Aggarwal, Advocate

versus

UOI AND OTHER Respondent
Through: Mr. Anil Kaushik, C.G.S.C., with Mr.
Amit, GP, Advocate and Mr. Aakash
Meena (GP)
Mr. Anil Kaushik, Sr. Panel Counsel
and Mr. Amit Gupta, GP

32.

+ W.P.(C) 3746/2021
PURAN CHAND Petitioner
Through: Mr. Krishan Kumar Sharma, Advocate

versus

UNION OF INDIA & ORS. Respondent
Through: Mr. Avnish Singh, Mr. Adarsh
Verma, Advocate and Mr. Aakash
Meena (GP)

33.

+ W.P.(C) 3750/2021, CM No.11302/2021
EX HC GD RAM CHANDER Petitioner
Through: Mr. Om Prakash Aggarwal, Advocate

versus

UOI AND OTHER Respondent
Through: Mr. Gaurang Kanth, CGSC with Mr.
Mohit, GP alongwith Ms. Biji Rajesh,
Advocates & Mr. Aakash Meena
(GP)

34.

+ W.P.(C) 3756/2021, CM No.11318/2021

EX HC/GD SAGATA RAM

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

UOI AND OTHER

.... Respondents

Through: Mr. Vikrant N. Goyal and Mr. Suraj
Kumar, GP & Mr. Aakash Meena
(GP)

35.

+ W.P.(C) 3758/2021, CM No.11320/2021

EX HC GD BHAWARA RAM

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER

..... Respondent

Through: Ms. Bharathi Raju, CGSC and
Mr. Aakash Meena (GP)
Mr. Anil Kaushik, Sr. Panel Counsel
and Mr. Amit Gupta, GP

36.

+ W.P.(C) 3759/2021, CM No.11321/2021

EX HC/GD SONA RAM

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER

..... Respondent

Through: Mr. Vikrant N. Goyal and Mr. Suraj
Kumar, GP & Mr. Aakash Meena
(GP)

37.

+ W.P.(C) 3768/2021, CM No.11340/2021
EX ASI /GD HANUMAN RAM Petitioner
Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER Respondent
Through: Mr. Uday Gupta, Ms. Siwani Lal
Gupta, Mr. Hiren Dasan, Mr. Kripa
Shankar, Mr. M.K. Tripathi,
Mr.Chand Qureshi Advocate &
Mr.Aakash Meena (GP)
Mr. Anil Kaushik, C.G.S.C., with Mr.
Amit, GP, Advocate and

38.

+ W.P.(C) 3769/2021, CM No.11341/2021
EX HC/GD SHRI PAL Petitioner
Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER Respondent
Through: Mr. Vikrant N. Goyal and Mr. Suraj
Kumar, GP & Mr. Aakash Meena
(GP)

41.

+ W.P.(C) 3770/2021, CM No.11342/2021
EX CT/GD BHAR MAL Petitioner
Through: Mr. Om Prakash Aggarwal, Advocate
versus

UOI AND OTHER Respondent
Through: Mr. Anil Kaushik, C.G.S.C., with
Mr. Amit, GP, Advocate

43.

+ W.P.(C) 3792/2021, CM No.11399/2021
EX HC/GD RATANA RAM

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Gaurang Kanth, CGSC with Mr.
Mohit, GP alongwith Ms. Biji Rajesh,
Advocates

44.

+ W.P.(C) 3794/2021, CM No.11402/2021
EX HC/GD RAM LAL SARAN

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Gaurang Kanth, CGSC with Mr.
Mohit, GP alongwith Ms. Biji Rajesh,
Advocates

45.

+ W.P.(C) 3797/2021, CM No.11413/2021
EX HC/GD SAREEF KHAN

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

UOI AND OTHER

..... Respondent

Through: Mr. Vikrant N. Goyal and Mr. Suraj
Kumar, GP & Mr. Aakash Meena
(GP)

49.

+ W.P.(C) 3799/2021, CM No.11433/2021
EX NK/GD SH BRIJ MOHAN

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

UOI AND OTHER

..... Respondent

Through

50.

+ W.P.(C) 3801/2021, CM No.11438/2021
EX HC GD DOUSHU KHAN SINCE DECEASED THROUGH HIS
WIFE SMT BHAGBHARI

..... Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

UOI AND OTHER

..... Respondent

Through

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Date of Decision: 22nd March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. Present batch of petitions have been filed seeking a number of prayers. However, learned counsel for the petitioners prays that a similar

order as passed by a Division Bench in W.P.(C) No.6437/2019 dated 30th May, 2019 be passed in the present writ petitions. He clarifies that neither the judgment and order dated 30th May, 2019 in W.P.(C) No.6437/2019 nor the judgments referred to in the said order have been challenged before the Supreme Court by the respondents.

2. Issue notice.

3. Learned counsel for the respondents accept notice. Learned counsel for the respondents state that in similar matters, notices have been issued by the Supreme Court in the condonation of delay and special leave petitions. They, however, candidly state that there is no stay in the said special leave petitions.

4. It is pertinent to mention that the petitioners have preferred the present writ petitions to primarily seek a mandamus to the respondents to grant the benefit of the second financial upgradation under the MACP Scheme in the Pay Band of Rs.9300-34800 with Grade Pay of Rs.4200 w.e.f. 01st January, 2006 and wherever 20 years have been completed till the date the petitioners' voluntarily retired on 30th June, 2006 or the dates mentioned in the prayer clause along with consequential benefits including arrears. The petitioners' claim is based upon the decision of the Supreme Court in the case of ***Union of India and Ors. Vs. Balbir Singh Turn & Anr.***, Civil Appeal Diary No.3744/2016 along with other cases decided on 08th December, 2017. The petitioners also place reliance on the decision of the Division Bench of this Court in ***Sunil Kumar Tyagi vs. Union of India & Anr.***, W.P. (C) No.3549/2018 decided on 01st May, 2019.

5. As admittedly there is no interim order passed by the Supreme Court in any of the special leave petitions filed by the Union of India in similar matters, we dispose of the present batch of writ petitions in similar terms as passed in W.P.(C) No.6437/2019 i.e. a direction to the respondents to consider the petitioners' claim in the light of the judgments in *Union of India and Ors. Vs. Balbir Singh Turn & Anr. (supra)* and *Sunil Kumar Tyagi vs. Union of India & Anr (supra)* as well as *Union of India & Ors. vs. M.V. Mohanan Nair, (2020) 5 SCC 421* and to dispose of the representations of the petitioners positively within twelve weeks from today. It is clarified that in the event the Supreme Court varies or set asides the order passed by the Division Bench in *Sunil Kumar Tyagi vs. Union of India & Anr (supra)* and/or any other similar matter, then the present order shall abide by the order(s) of the Apex Court.

6. With the aforesaid direction, the present batch of writ petitions along with pending applications stand disposed of.

MANMOHAN, J

ASHA MENON, J

MARCH 22, 2021

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