

\$~49-55, 57-63 & 73

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

Date of Decision: 24.09.2021

- + W.P.(C) 10804/2021
KRISHAN KUMAR DABAS Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Ms.Archana Gaur, Sr. Panel
Counsel with Mr.Ridhima
Gaur, GP for UOI.
- + W.P.(C) 10805/2021
JITENDRA KUMAR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Anil Dabas, Adv.
- + W.P.(C) 10806/2021
RAJESH KUMAR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Ms.Arati Bansal, Adv. with
Mr.Jitendra Kumar Tripathi, GP
for UOI.
- + W.P.(C) 10807/2021
SHAILENDRA KUMAR THAKUR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Chiranjiv Kumar, Adv. with
Mr.Anshuman, GP &
Mr.Mukesh Sachdeva, Adv.

- + W.P.(C) 10808/2021
VIKASH KUMAR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Avnish Singh &
Ms.Pushplata Singh, Advs.
- + W.P.(C) 10809/2021
JAIPAL SINGH YADAV Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Akshay Amritanshu &
Ms.Rupali Kapoor, Advs.
- + W.P.(C) 10810/2021
SANTOSH KUMAR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Tanveer Ahmed & Mr.Syed
Hussain Taqvi, Advs.
- + W.P.(C) 10812/2021
AMAR KUMAR YADAV Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Tanveer Ahmed & Mr.Syed
Hussain Taqvi, Advs.
- + W.P.(C) 10813/2021
RAVI SHANKER Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Tanveer Ahmed & Mr.Syed
Hussain Taqvi, Advs.
- + W.P.(C) 10814/2021
BAHAUDDIN AHMAD SAQUIB Petitioner

- Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Akshay Amritanshu & Ms.Rupali Kapoor, Adv.
- + W.P.(C) 10815/2021
KAILASH BHATT Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Anil Dabas, Adv.
- + W.P.(C) 10816/2021
OM PRAKASH Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Ms.Archana Gaur, Sr. Panel Counsel with Mr.Ridhima Gaur, GP for UOI.
- + W.P.(C) 10817/2021
ASHOK KUMAR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Ripudaman Bhardwaj, CGSC with Mr.Sahaj Garg, GP.
- + W.P.(C) 10818/2021
SHAMMI KAPUR Petitioner
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Chiranjiv Kumar, Adv. with Mr.Anshuman, GP & Mr.Mukesh Sachdeva, Adv.
- + W.P.(C) 10851/2021
PRITI KUMARI Petitioner
Through: Ms. Saahila Lamba, Adv.

versus
UNION OF INDIA & ORS. Respondents
Through: Ms.Arti Bansal, Adv. with
Mr.Jitendra Kumar Tripathi, GP
for UOI.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. Present writ petitions have been filed seeking directions to the Respondents to treat the date of promotion of petitioners to the rank of Sub-Inspector (Ministerial) as 17th May, 2016 i.e. date when promotion of the petitioners to said rank was released for purposes of pay fixation and to thereafter fix pay of the petitioners on said basis in accordance with Central Civil Services (Revised Pay) Rules, 2016 notified on 25th July, 2016 together with payment of arrears.
2. Learned counsel for the petitioners states that the Petitioners, who were working as Assistant Sub-Inspector (Ministerial), were released for promotion to the rank of Sub-Inspector (Ministerial) in the pay band of Rs.9300-34800 with Grade Pay of Rs.4200/- vide order dated 17th May, 2016. She states that due to some administrative delay, the Petitioners were relieved from their place of posting and thereafter assumed charge of their promoted rank of Sub-Inspector after a delay of several months from the date of their promotion. She states that as of now petitioners have been considered promoted from the date they assumed charge of the promoted rank for purposes of pay fixation.

4. She relies on the judgment dated 1st April, 2019 of this court in *Vijayan VV vs. Union of India & Ors W.P. (C) No.4448/2016* and other connected matters where under similar facts the Court held that it was not fair to deprive the Petitioners of the monetary benefits on account of the delay in their joining as ASI (Ministerial/Clerical) which was not attributable to any omission on the part of the Petitioners, but was caused due to the Respondents delaying the issue of reliving orders. She states that due to the petitioners not getting benefit of proviso to Rule 5 of Central Civil Services (Revised Pay) Rules, 2016 the petitioners have started drawing lesser salary than their juniors, which is impermissible under service law.

5. She lastly states that the representations filed by the petitioners have not been disposed of till date.

6. Keeping in view the aforesaid fact, this Court disposes of the present batch of matters by directing the DIG (Organisation), CRPF to treat the present writ petitions as representations and to decide the same in accordance with law by way of a reasoned order within twelve weeks. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

NAVIN CHAWLA, J

SEPTEMBER 24, 2021/

KA/rv