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

+ **W.P.(C) 11549/2021**

DR. NAVEEN TYAGI

..... Petitioner

Through **Mr. Ankur Chhibber, Advocate.**

versus

UNION OF INDIA AND ORS

..... Respondents

Through **Ms. Bharathi Raju, CGSC for respondents.**

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Date of Decision: 08th October, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

CM APPL. 35645/2021

Allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C).11549/2021

1. Present writ petition has been filed challenging the order dated 7th July 2017 to the extent it provides that the revised rate of Non-Practicing Allowance [NPA] shall take effect only from 01st July 2017 and that to, to the extent that the sum of basic pay and NPA does not exceed Rs.2,37,500/-. Petitioner also seeks direction to the Respondents to fix the basic pay plus NPA of Doctors at Rs. 2,49,000/- and treat the NPA as pay for all percentage-based allowances and grant the same to the Petitioner w.e.f 01st June, 2016. Petitioner further seeks direction that the benefit of revised rate

of non-practicing allowance on revised pay scale under the 7th CPC should be given effect from 01st January 2016 as held by the Apex Court in the case of *Union of India and Ors. Vs. Balbir Singh Turn & Anr., (2018) 11 SCC 99*.

2. Learned counsel for the Petitioner points out that the Petitioner had submitted a representation dated 17th May, 2021 asking the Respondents to rectify the illegalities and allow the NPA to be treated as pay for the purpose of all allowances and to remove the restriction/cap of Rs.2,37,500/-. However, he states that the Respondents have failed to act upon the aforesaid representation till date.

3. Keeping in view the aforesaid, present writ petition is disposed of with a direction to respondent no.1 to decide the representation of the Petitioner dated 17th May, 2021 by way of a reasoned order within twelve weeks in accordance with law. It is clarified that this Court has not commented on the merit of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

NAVIN CHAWLA, J

OCTOBER 08, 2021
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