

\$~33 to 36, 39, 43 to 45, 47 to 50 & 54

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

Date of Decision: 08th December, 2021

+ W.P.(C) 13931/2021
SUNIL KUMAR Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Ms. Nidhi Raman, CGSC with
Mr. Zubin Singh, Adv. for R-1
to 3.

\$~34
+ W.P.(C) 13932/2021
JIMMEE Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Anurag Ahluwalia, CGSC.

\$~35
+ W.P.(C) 13933/2021
PRABHU DAYAL SAHU Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Anurag Ahluwalia, CGSC.

\$~36
+ W.P.(C) 13935/2021
PROMOD KUMAR Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Ruchir Mishra, Mr. Mukesh
Kumar Tiwari, Adv. for UOI.

\$~39

+ W.P.(C) 13947/2021
DINESH KUMAR Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Anurag Ahluwalia, CGSC.

\$~43

+ W.P.(C) 13953/2021
SACHIN KUMAR JAISWAL Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Ms.Nidhi Raman, CGSC with
Mr.Zubin Singh, Adv. for R-1
to 3.

\$~44

+ W.P.(C) 13954/2021
RAJESH KUMAR Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr.Ruchir Mishra, Mr.Mukesh
Kumar Tiwari, Adv. for UOI.

\$~45

+ W.P.(C) 13955/2021
SUJEET KUMAR Petitioner
Through: Ms. Saahila Lamba, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Ms.Nidhi Raman, CGSC with
Mr.Zubin Singh, Adv. for R-1
to 3.

\$~47

+ W.P.(C) 13957/2021
LOKESH KUMAR

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.
versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC.

\$~48

+ W.P.(C) 13958/2021
PRAVEEN KUMAR

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.
versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC.

\$~49

+ W.P.(C) 13959/2021
SATYABRATA PAL

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.
versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms.Nidhi Raman, CGSC with
Mr.Zubin Singh, Adv. for R-1
to R-3.

\$~50

+ W.P.(C) 13960/2021
RAKESH KUMAR

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.
versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Ruchir Mishra, Mr.Mukesh
Kumar Tiwari, Adv. for UOI.

\$~54

+ W.P.(C) 13966/2021
JAMSHED ALI

..... Petitioner

Through: Ms. Saahila Lamba, Advocate.

versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Anurag Ahluwalia, CGSC.

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 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 the petitioners have been considered promoted from the date they assumed charge of the promoted rank for the purposes of pay fixation.

3. 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 relieving 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.

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

5. 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

DECEMBER 8, 2021

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