

\$~9 (2021)

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

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Decision delivered on: 04.10.2021

+ **W.P.(C) 3477/2018 & CM Nos. 13707-09/2018**

UNION OF INDIA & ANR

..... Petitioners

Through: R.V. Sinha, Senior Central
Government Counsel with Mr. A.S.
Singh, Amit Sinha & Sharanya Sinha,
Advs.

versus

PRAVEEN ARORA & ORS

..... Respondents

Through: Mr. R.K. Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

RAJIV SHAKDHER, J. (ORAL):

[Court hearing convened via video-conferencing on account of COVID-19]

1. This writ petition is directed against the order dated 22.09.2017, passed by the Central Administrative Tribunal [in short “the Tribunal”] in OA No.2747/2014.

1.1. *Via* the impugned order, the Tribunal has, in the operative part of the judgment, issued the following directions:-

“9. In view of the above analysis, we are inclined to allow this O.A. and direct the respondents to grant ante dated promotions to Grade 'G' to the applicants under the FCS from the date of their eligibility. The applicants shall also be entitled to consequential arrears. Considering the facts and

circumstances of the case, we are not inclined to allow any interest on the arrears. The benefits may be given to the applicants within a period of 08 weeks from the date of receipt of a certified copy of this order.”

1.2. The consequences of the operative directions issued by the Tribunal are that, the respondents before us, who are the original applicants, had to be accorded antedated promotions from the date, when they became eligible.

2. Mr. R.K. Kapoor, who appears on behalf of the respondents, has drawn our attention to the judgment of the Supreme Court, dated 25.08.2021, passed in Civil Appeal No.6359/2016, titled: ***Union of India & Ors .vs. Vinay Kumar.***

2.1. Mr. Kapoor says that, the aforementioned judgment of the Supreme Court covers the issue, albeit, against the petitioners herein, in effect, Union of India.

2.2. In this behalf, Mr. Kapoor relies upon paragraph 13 and 14 of the aforementioned judgment of the Supreme Court. For the sake of convenience, the same are extracted hereafter:-

“13. The decision presently under challenge was based on the earlier decision rendered by the High Court in S.K. Murti which was affirmed by this Court. The view taken by the High Court that the interest of the concerned Scientists could not be put to prejudice as a result of delay in constituting the Assessment Committee in time, was affirmed by this Court.

The subsequent office memoranda dated 19.09.2016 and 12.02.2019 carry and seek to implement the same principle.

14. In the circumstances, we see no reason to take a different view in the matter. Affirming the view taken by the High Court which is presently under challenge, we dismiss the Civil Appeal No. 6359 of 2016 without any order as to costs.”

3. Mr. R.V. Sinha, who appears for the petitioners/UOI, cannot but accept, that the issue raised in the instant writ petition is covered by the aforementioned judgment of the Supreme Court.
4. Accordingly, the writ petition is dismissed. Consequently, pending applications shall also stand closed.
5. Needless to add that, the petitioners i.e., Union of India will act with due expedition, and grant promotions to the respondents, at the earliest, though, not later than three weeks from the date of the receipt of a copy of this order.
6. Parties will act on the digitally signed copy of this order.
7. The case papers shall stand consigned to record.

RAJIV SHAKDHER, J

TALWANT SINGH, J

OCTOBER 4, 2021/nk

Click here to check corrigendum, if any