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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 22nd September, 2022

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W.P.(C) 828/2020 & CM APPL. 2589/2020

SH. NARENDER KUMAR BHALLA

..... Petitioner

Versus

INDIAN COUNCIL OF MEDICAL RESEARCH

..... Respondent

Advocates who appeared in this case:

For the petitioner: Mr. G.S. Charya, Advocate.

For the Respondent: Mr. Arun Sanwal, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J (Oral)

1. Petitioner impugns order dated 30.09.2019, whereby the Original Application filed by the petitioner was rejected on the ground that petitioner had not specifically challenged the pay fixation orders and thereafter seek re-fixation of his pension. Further, the application filed by the petitioner seeking condonation of delay in approaching the Tribunal for re-fixation of his pension was dismissed.



2. Perusal of the Original Application shows that the grievance of the petitioner was primarily with regard to the rolling back of the pay-scale granted to him at the time of his appointment.

3. Learned counsel for petitioner submits that the pay fixation has been impugned in the grounds and indirectly in the prayer.

4. The fixation of pension is a continuing cause of action accruing to the pension recipient from month to month. Accordingly, we are of the view that the matter needs to be remitted to the Tribunal for consideration on merits. Accordingly, the impugned order dated 30.09.2019 is set aside and the case is remitted to the Tribunal for adjudication on merits.

5. Since the petitioner has not directly impugned the orders of pay fixation and the Tribunal by the impugned order dated 30.09.2019 has also directed the petitioner to first seek the relief of challenging the pay fixation orders, we permit the petitioner to amend the petition to specifically impugn the pay fixation orders and the consequential fixation of pension.

6. The petitioner shall file an amended petition on the records of the Tribunal within four weeks from today. Thereafter, the Tribunal shall dispose of the petitioner on merits in accordance with law.

7. The parties shall appear before the Tribunal for directions on 31.10.2022.



8. Petition is disposed of in the above terms. It is clarified that we have neither considered nor commented on the merits of the contentions of either party.

SANJEEV SACHDEVA, J.

TUSHAR RAO GEDELA, J.

SEPTEMBER 22, 2022

NA

