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

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Date of Decision: 14th December, 2022

+ W.P.(C) 5231/2019 & C.M. APPL. 23130/2019, 35205/2019

SHRI INDERJEET SINGH

..... Petitioner

Through: Mr. Amit Singh Tanwar and
Mr. Tarun Agarwal, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. V. Balaji, Mr. C. Kannan
and Mr. Nizamuddin, Advocates for R-1 and
2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Present writ petition was filed by the Petitioner seeking setting aside of the impugned Circular dated 01.08.2018 and Corrigendum dated 08.08.2018, issued by Respondent No. 2 and to direct the Respondents to refund the entire amount erroneously recovered along with interest. Direction is also sought to the Respondents to pay the deficient amount at the rate of Rs.9,000/- per month from August, 2018 till the period when the Petitioner was paid at the rate of Rs.73,400/- instead of Rs.83,400/-.

2. It is the case of the Petitioner that since he was already working as TGT (Hindi) in pay scale of Rs.6500-200-10500 (Senior Scale) with basic salary of Rs.7100/-, his pay should have been fixed after granting pay protection.

3. The stand of the Respondents was that on scrutiny of the

records, it came to light that the technical resignation tendered by the Petitioner from the post of TGT (Hindi) was not accepted by the Competent Authority at the relevant time which is a pre-requisite for pay protection and counting of past service and therefore, the anomaly in pay fixation had occurred.

4. Learned counsel for Respondents No. 1 and 2, however, submits that pursuant to the order passed by this Court, Competent Authority has accorded 'ex-post facto' approval to the technical resignation of the Petitioner, from the post of TGT (Hindi) and subsequent thereto the proposal for counting past service and granting pay protection in the post of PGT (Political Science) has been received from the School, which is pending consideration with the Finance Department of GNCTD and will be processed in due course. Copy of a letter dated 08.12.2022 with Annexure R-1, which is an Office Order dated 22.11.2022, has been handed over in Court and is taken on record.

5. Learned counsel for Respondents No. 1 and 2, on instructions, further submits that a decision will be taken by the Finance Department within a period of four weeks from today and the benefits shall be released to the Petitioner.

6. The assurance given by Respondents No. 1 and 2 is taken on record and it is directed that the entire exercise of taking a decision and releasing actual benefits to the Petitioner shall be completed, within a period of four weeks from today.

7. Writ petition along with pending applications is disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 14, 2022/rk