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

% **Date of decision: 31st May, 2023**

+ **W.P.(C) 1713/2020 & CM APPL. 24524/2023**

JAGDISH RAI & ORS.

..... Petitioners

Through: Mr. Ankur Chhibber,
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Neeraj, Sr. Panel Counsel,
Mr. Sahaj Garg & Mr. Vedansh
Anand, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. *Vide* the present petition, the petitioners are seeking following reliefs:

“a.) Issue a writ of certiorari for quashing the letter dated 09.09.2019 and letter dated 21.01.2020 whereby the Respondents have rejected the representations of the Petitioner and for quashing of the signal dated 12.06.2019 whereby the Respondents intimated to all units/formations that the proposal regarding grant of notional increment, who retired on 30th June in different years, was forwarded to DOPT through MHA and clarified vide MHA letter dated 06.06.2019 (not in position) that all such officials are not entitled to get the benefit of notional increment and for quashing of the letter dated 18.10.2019 whereby the respondents clarified that the order dated 15.09.2017 passed in WP No.15732/2017 was an order in personem and not in rem, and therefore was only applicable to the petitioner in that case and not to all other similarly situated officers;



b.) Issue a writ of Mandamus directing the Respondents to grant one notional increment to the Petitioners on completion of the relevant period and to re-fix the initial pay & pension of the Petitioners by adding one notional increment and subsequently re-fix the pension of the Petitioners after 6th & 7th CPC and pay the arrears of the Petitioners within a stipulated period in terms of the same benefit/relief as has been granted by the Hon'ble Madras High Court in W.P.(C) No.15732/2017 vide judgment dated 15.09.2017 affirmed by the Hon'ble Apex Court and by the Hon'ble Delhi High Court in W.P.(C) No.5539/2019 vide judgment dated 13.01.2020.”

2. The issue raised in the present petition has already been adjudicated by this Court *vide* Judgment dated 26.04.2023 passed in Writ Petition bearing No. W.P.(C) 5320/2023 titled Gum Bahadur Thapa & Ors. vs. Union of India & Ors., and by the Apex Court *vide* Judgment dated 11.04.2023 passed in Civil Appeal bearing No. 2471/2023 titled Director (Admn and HR) KPTCL and Others vs. C.P. Mundinamani and Others. The relevant paragraph of Director (Admn and HR) KPTCL (supra) is as under: -

“21. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs.”

3. Accordingly, in view of the findings of aforesaid two judgments, the present case is squarely covered.

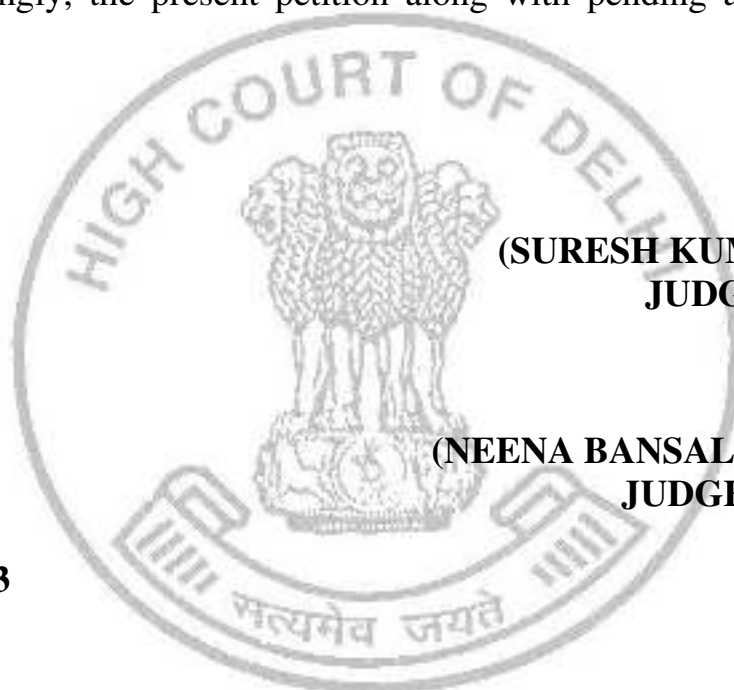
4. Therefore, we hereby dispose of the present petition directing the



respondents to grant one annual increment to the petitioners in view of the findings of Paragraph-21 made by the Supreme Court in Director (Admn and HR) KPTCL (supra) within four weeks from today by passing necessary order(s).

5. We hereby make it clear that the respondents shall pass necessary orders not only in respect of the petitioners but also in respect of all similarly situated persons.

6. Accordingly, the present petition along with pending application is disposed of.



(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MAY 31, 2023
S.Sharma