



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

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Date of decision: September 1, 2023

(6) + W.P.(C) 1159/2017

RAGHUNATH SINGH Petitioner
Through: Mr. Nasir Ahmed, Adv.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Vivek Goyal, CGSC with
Mr. Gokul Sharma and
Mr. Shivam Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. The challenge in this petition is to an order dated October 9, 2015 in OA 2590/2014 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short).
2. On March 21, 2017 this court had passed the following order:

"Issue notice returnable on 26th July, 2017.

The limited grievance raised by the petitioner in this writ petition is to the date from which the actual benefit is to be paid. The impugned order while accepting the OA states that the petitioner would be entitled to notional benefit if he is found fit for promotion as Assistant against the select list of 2003, but actual benefits would be from the date of the order, i.e., 9th October, 2015. The petitioner's grievance is that in other cases, benefits have been given from an earlier date. Counsel for the respondents would obtain instructions as to how they



have implemented other orders of the Tribunal in similar situations.”

3. It is clear the only issue which arises for consideration is from which date, the petitioner needs to be granted the actual benefits on his promotion as Assistant.

4. The only submission made by Mr. Nasir Ahmed, learned counsel appearing for the petitioner is that the petitioner’s junior viz. C.B. Singh has got the actual benefits from July 1, 2003. In this regard, he has drawn our attention to page 62 of the paperbook, which is part of the Judgment in the writ petition filed by C.B. Singh being W.P.(C) 7937/2011 decided on September 24, 2012, paragraph 8 thereof reads as under:

*“8. In view of the foregoing, as well as the decision of a Division Bench in the case of **PG. George (supra)**, we are clear that the petitioner ought not to have been ignored from the DPC convened in September and October, 2009 for the select list of 2003. Consequently, we direct the respondent to convene a review DPC for the year 2003 and consider the case of the petitioner for appointment as an Assistant of the CSS on a regular basis against the select list of the year 2003. If he is found fit then he shall be granted notional appointment as an Assistant of the CSS w.e.f 01.07.2003 and shall be given consequential retiral benefits. However, since the petitioner is no more, the benefit would be given to the widow namely Smt. Resham Devi. The review DPC be convened within six weeks from today.”*



5. From the reading of Para 8 of the Judgment it is clear that C.B. Singh had got notional appointment as an Assistant of the CSS w.e.f July 1, 2003 and was directed to be given the consequential retiral benefits. Suffice to state, C.B. Singh has not got actual benefits, w.e.f. July 1, 2003, the date from which the petitioner is also claiming the benefits. There is no dispute that the petitioner herein had got actual benefits from a later date. If that be so, the claim of the petitioner for actual benefits w.e.f July 1, 2003 is unsustainable.
6. We agree with the final conclusion reached by the Tribunal.
7. The petition is dismissed.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 1, 2023/jg