

* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: May 25, 2023

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+ W.P.(C) 6809/2022

GOVT OF NCT DELHI & ORS.

..... Petitioners

Through: Mrs. Avnish Ahlawat, Standing Counsel, D.E. with Ms. Tania Ahlawat, Mr. Nitesh Kumar Singh, Ms. Palak Rohmetra, Ms. Laavanya Kaushik and Ms. Aliza Alam, Advs.

versus

DR HEMRAJ SINGH & ANR.

..... Respondents

Through: Mr. Nikhilesh Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 28574/2023

1. This is an application filed by the respondents for early hearing of the petition on the ground that the issue which falls for consideration in this writ petition has been settled by the Supreme Court in the case of ***Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors.***, 2023 SCC OnLine SC 401.

2. For the reasons stated in the application, the same is allowed. The Writ Petition is taken up for hearing.

3. The application is disposed of.

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4. The challenge in this Writ Petition is to an order dated July 15, 2021 passed in a batch of Original Applications, which include O.A. 761/2021, whereby the Tribunal has allowed the Original Application by stating in paragraph 10 as under:

“10. For the foregoing reasons, the OAs are allowed, directing that:

(a) for such of the employees, who retired on 30th June of any particular year, increment payable on 1st July shall be extended. Their pensions shall also be revised, subject to their fulfilling other conditions which are applicable. The arrears that become due shall be paid without interest;

(b) Similarly for employees, who retired on 31st December of a particular year, the increment payable on the 1st January of the next year shall be extended and pension revised, subject to same conditions in the same manner.

(c) While extending such benefits, a clause shall be incorporated to the effect that in case the Hon'ble Supreme Court takes a different view in the Civil Appeal arising out of SLP No. 4722/2021, they shall be under obligation to refund the entire benefit without any demur.

The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

Pending MAs shall also stand disposed of. There shall be no order as to costs.”

5. Our attention has been drawn to the judgment of the Supreme Court in **Director (Admn. & HR)** (supra), wherein the Supreme Court has in para 21 stated 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."

6. Mrs. Ahlawat fairly concedes to the fact that the issue in this petition gets covered by the judgment of the Supreme Court.
7. In view of the submission made, the challenge in the Writ Petition to the impugned order is unmerited and the petition is dismissed. No costs.
8. The date of December 11, 2023 stands cancelled.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

MAY 25, 2023/akc