



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of decision: July 05, 2023*

+ W.P.(C) 8348/2023, CM APPLs. 31942/2023, 31943/2023 & 31944/2023

NARESH KUMAR SOOD AND OTHERS

..... Petitioners

Through: Ms. Richa Ojha, Adv.

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through: Mr. Adit Khorana and Mr. Gurjas Singh Narula, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM APPLs. 31943/2023 & 31944/2023 (for exemption)

Exemption allowed subject to all just exceptions.

Applications are disposed of.

CM APPL. 31942/2023

This is an application filed by the petitioners seeking permission to file additional documents on record.

For the reasons stated in the application, the same is allowed and the additional documents are taken on record.

Application is disposed of.

**W.P.(C) 8348/2023**

1. The challenge in this writ petition is to an order dated February 21, 2023, passed by the Central Administrative Tribunal Principal Bench, New Delhi ('Tribunal', for short) in Original Application No.116/2019 whereby the Tribunal in paragraphs 6 to 8 has stated as under:

“6. Therefore, keeping in view the totality of the circumstances and the facts, we dispose of this O.A. with a direction to the competent authority amongst the respondents to decide the pending representations of the applicants with respect to the subject of this O.A. in accordance with rules and instructions, as expeditiously as possible, in no case later than 12 weeks from the date of receipt of a copy of this order. In case the decision has already been taken prior to this date, the same shall be revisited in the light of these orders.

7. Since, we are not certain whether all the applicants have preferred such a representation or not, we offer a liberty of two weeks to the applicants to prefer a fresh/ supplementary/ additional representation in this regard and in such event the competent authority shall decide the issue within a period of 12 weeks thereafter.

8. We would like to emphasise that barring the limited observations made hereinabove we have neither examined nor commented upon the merits of the claim of the applicants.”

2. It is a conceded position, pursuant to the direction given by the Tribunal, the respondents have passed an order dated April 17, 2023, rejecting the request of the petitioners with regard to pay fixation while granting 3rd Financial Upgradation under the MACP. It is also conceded position that the said order has not been challenged before



the Tribunal. In fact, the said order has been challenged in these proceedings.

3. Appropriate shall be for the petitioners is to challenge the order dated April 17, 2023, whereby their representation has been rejected, before the Tribunal by way of fresh proceedings.

4. Accordingly, the present petition is closed with liberty as stated above.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

JULY 05, 2023/aky

