



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

% *Date of Decision: July 27, 2023*

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+ **W.P.(C) 9845/2023**

VIJAY KUMAR MEHTA

..... Petitioner

Through: Mr. Vikas Mehen, Advocate.

versus

**CHIEF SECRETARY, GOVT. OF NCT OF DELHI
& ORS.**

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 37850/2023

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The challenge in this writ petition is to an order dated April 20, 2023 passed by the Central Administrative Tribunal ('Tribunal' in short) in O.A. No. 2696/2019, whereby the Tribunal has allowed the Original Application by stating in as under:

“5. CONCLUSION:

*We are bound by the ratio of the decision rendered by the Hon'ble Apex Court in the case of **State of Punjab and others vs. Rafiq Masih**, (2015) 4 SCC 334, which*



*has been duly considered in the case of **M.P. Medical Officers Association** (supra). In view of the above factual matrix and analysis, the Impugned Office Order dated 06.02.2018 being un-sustainable in the eyes of law is hereby quashed and set aside. The respondents shall take corrective action accordingly in accordance with law. The said directions shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order.*

6. The OA is disposed of with the above directions.

7. No order as to costs.

8. The Court Officer is directed to return the record produced by the applicant (running into 78 pages) to the applicant under acknowledgement.”

4. The grievance of the petitioner as urged by his counsel by drawing our attention to the prayers clause in the Original Application is that the Tribunal has not considered the prayer No. iii and iv, which we reproduce as under:

“(iii) Direct the respondents to pay arrears with interest for delayed payment of my salary for the period of Sept. 2016 to 25.03.2017 which were disbursed on 23.03.2018 i.e. period of 17 months.

{iv) Direct the respondents to pay the compensation of Rs.2,00,000/- for harassment and mental agony suffered by the applicant.”

5. Insofar as prayer (iv) is concerned, the prayer is a claim for damages. Surely, such a prayer is not maintainable before the Tribunal. Liberty shall be with the petitioner to seek such remedy as available in accordance with law.

6. Insofar as prayer (iii) is concerned, we deem it appropriate to direct the respondents to consider this prayer made by the petitioner and reply to



him in that regard within a period of eight weeks from today.

7. Petition stands disposed of.

8. It goes without saying that if the petitioner is aggrieved by any decision to be communicated to him by the respondents on prayer (iii), he is at liberty to seek such remedy as available in law.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

JULY 27, 2023/R