



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

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Date of Decision: August 03, 2023

+ W.P.(C) 14839/2022, CM APPL. 39374/2023

UNION OF INDIA & ANR.

..... Petitioners

Through: Mr. Ripu Daman Bhardwaj, CGSC for
UOI.

versus

VIRENDRA PAL SINGH MANN

..... Respondent

Through: Mr. Sanjiv K. Jha, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 39374/2023

1. This is an application seeking early hearing of the petition. The date of hearing is December 11, 2023.
2. Learned counsel for the respondent, the applicant herein, states that the issue in hand is covered by the judgment of the Supreme Court in the case of *The Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors., 2023, SCC OnLine SC 401* and hence, the Writ Petition be heard finally.
3. The Bhardwaj does not oppose the prayer made. The application for early hearing is allowed.
4. Application is disposed of.
5. The counsel for the parties have been heard on the Writ Petition.

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6. The challenge in the Writ Petition is to an order dated October 05, 2021, passed by Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as ‘*Tribunal*’) in O.A. 1659/2021, whereby the Tribunal has disposed of the Original Application by stating in paragraph 11 as under:

“11. For the foregoing reasons, the O.A. is allowed, directing that the applicant, who retired from service on 30th June 2020, shall be extended the increment payable on 1st July of the respective year. His pension shall also be revised, subject to his fulfilling other conditions, which are applicable. The arrears that become due shall be paid without interest. While extending such benefits, a clause shall be incorporated to the effect that in case the Hon'ble Supreme takes a different view in the Civil Appeal arising out of SLP No. 4722/2021, he 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.”

7. In para 11 of the order, the Tribunal has referred to the SLP No. 4722/2021.

8. Our attention has been drawn to the order passed by the Supreme Court in Special Leave Petition (C) No. 4722/2021, ***Union of India & Anr. vs. M. Siddaraj***, wherein a reference has been made by the Supreme Court to its earlier judgment dated April 11, 2023, ***The Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundingamani & Ors.***

9. Learned counsel for the parties state that the issue is covered by the judgment in the case of ***The Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundingamani & Ors.*** They also states that the parties shall be bound

by the judgment of the Supreme Court. Their statement is taken on record.

10. The Writ Petition is disposed of.
11. The date of December 11, 2023 stands cancelled.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

August 03, 2023/akc