



\$~63

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 31.10.2023

+

W.P.(C) 14107/2023

HC/DVR MAHESH YADAV AND 246 ORS.

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Abhay Kumar Bhargava and Mr. Satyarth B.
Sinha, Advocates

For the Respondents:

Mr. Farman Ali, CSPC with Ms. Usha Jamnal and
Mr. Krishan Kumar, Advocates for UOI
Mr. Vivek Nagar, Govt. Pleader for UOI**CORAM:****HON'BLE MR. JUSTICE SANJEEV SACHDEVA****HON'BLE MR. JUSTICE DHARMESH SHARMA****JUDGMENT****SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioners seek a direction to the respondents to consider the case of the petitioners in terms of judgment of the Supreme Court dated 05.03.2020 in '*Union of India & Ors. Vs. M.V. Mohanan Nair*' (2020) 5 SCC 421.
2. Petitioners seek grant of Assured Career Progression Scheme or Modified Assured Career Progression Scheme as the case may be on completion of 20 years of service.
3. Issue notice. Notice is accepted by learned counsel appearing



for the respondents. Learned counsel for the respondents submits that the case of the petitioners shall be placed before the competent authority for consideration.

4. In view of the above, this petition is disposed of with a direction to the respondents to consider the case of the petitioner and to determine as to whether petitioners are entitled to the benefit of the said judgment of the Supreme Court in *M.V. Mohanan Nair (Supra)* or not. In case petitioners or some of the petitioners are entitled to the said benefit the same may be granted to the petitioners expeditiously. However, in case the competent authority is of the view that petitioners or some of the petitioners are not entitled to the benefit of the said judgment, a speaking order be passed in their case giving reasons as to why the said judgment is not applicable to their case. Respondents may take a decision within three months from today.

5. Needless to state that in case petitioners or some of the petitioners are aggrieved by an order passed by the respondents, they shall be at liberty to avail of their remedies as may be available in law.

6. The petition is disposed of in the above terms.

7. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

DHARMESH SHARMA, J

OCTOBER 31, 2023
‘rs’