

Court No. - 20

Case :- WRIT - A No. - 6762 of 2023

Petitioner :- Raj Kishore Roy And 5 Others

Respondent :- Union Of India Ministry Railways Thru. Secy. Railway Board Rail Bhawan And 7 Others

Counsel for Petitioner :- Birendra Narain Shukla,Prabhaw Kumar Tripathi

Counsel for Respondent :- A.S.G.I.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioners and Mr. S.B. Pandey, learned Senior Advocate, Deputy Solicitor General of India assisted by Mr. Varun Pandey, learned counsel for opposite parties.

2. Petition has been filed seeking a direction to opposite parties for grant of notional increment due to petitioners on 1st July of respective year since they had superannuated on 30th June of that very year. Further prayer for re-fixation of basic pay of petitioners after grant of notional increment and revision of pensionary benefits has also been sought.

3. It has been submitted that petitioners' case is fully covered by judgment rendered by Hon'ble the Supreme Court in the cases of ***The Director (Admn. and HR) KPTCL & Ors. versus C.P. Mundinamani & Ors.*** reported in ***2023 Live Law (SC) 296 & Union of India & Anr. versus M. Siddaraj*** passed in ***Civil Appeal No. of 2023 @ Special Leave Petition (C) No.4722 of 2021.***

4. For the aforesaid grievance, petitioners have already submitted representation but seeks liberty to file a fresh individual representations before concerned authority which it is submitted that may be directed to be decided.

5. Considering innocuous prayer being made by learned counsel for petitioners and without entering into the merits of the case petitioners are granted liberty to file a fresh individual representation before opposite party No.3 i.e. Executive Director, Pay Commission, Railway Board, Rail Bhawan, New Delhi. In case such a representations are filed, the same shall be considered and decided in the light of judgment rendered by Hon'ble the Supreme Court in the cases of ***The Director (Admn. and HR) KPTCL & Ors. versus C.P. Mundinamani &***

Ors. reported in ***2023 Live Law (SC) 296 & Union of India & Anr. versus M. Siddaraj*** passed in ***Civil Appeal No. of 2023 @ Special Leave Petition (C) No.4722 of 2021*** in case the same are applicable.

6. The decision with regard to same shall be taken within a period of eight weeks from the date a certified copy of this order is produced before the said authority.

7. With the aforesaid observation, petition stands **disposed of**.

Order Date :- 19.9.2023

Subodh/-