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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 624/2023**
BRAHAMPAL SINGH

.....Petitioner

Through: Mr.Chetan Swarup, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Ripudaman Bhardwaj,
CGSC with Mr.Kishagra
Kumar & Mr.Abhinav
Bhardwaj, Advs.
Sub Ram Niwas.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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12.12.2024

1. This petition has been filed praying for a direction to the respondents to pass necessary orders for stepping up the pay of the petitioner to be at par with his junior, namely, AE (Civil) Pritikam Mondal, with effect from 01.01.2006, and to grant all the arrears, including the re-fixation of pension.

2. The respondents, in the counter affidavit, have stated that the pay of the petitioner has been rightly fixed after granting him the due benefits of ACP-1, MACP-2, and MACP-3 along with the promotions.

The respondents further contended as follows:-

“4. Further, for stepping up of petitioner's pay, the case has also been checked by PAO (GREF) with reference to officer stated as his junior drawing higher pay. On scrutiny of case in respect of petitioner and GP-004379M



Assistant Engineer (Civil) (hereinafter AE (Civil) Pritikam Mondal and it is found that he is drawing his pay higher than his entitlement. AE (Civ) Pritikam Mondal was granted promotion to BR-I wef 25.03.2000 and his pay was found fixed for Rs 6,375/- which seems to be not correct. After promotion on 25.03.2000, his pay should be Rs. 6,200 and further increments should be granted accordingly. Hence pay in respect of present petitioner was fixed correctly and accordingly paid to the petitioner. (Copy of PAO (GREF) letter No. PAO/GREF/LG-1/Ex-GO-04337 dated 19 May 2023 attached as Annexure (V).”

3. The petitioner has not filed a rejoinder, and the learned counsel for the petitioner has also not been in a position to controvert that, as far as the petitioner is concerned, his pay has been rightly fixed. The only claim of the petitioner is that his junior is drawing more pay, which the respondents have explained as being incorrectly fixed. The benefit of this error cannot be granted to the petitioner. Article 14 of the Constitution of India does not require a mistake to be perpetuated or a benefit against the Rules to be granted only on a plea of parity.

4. Accordingly, we find no merit in the present petition.

5. The same is, therefore, dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 12, 2024/rv/as

Click here to check corrigendum, if any