



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

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Date of decision: January 31, 2024

+ W.P.(C) 1028/2024

(1) NAGENDRA SINGH

..... Petitioner

Through: Mr. Ankur Chhibber and
Mr. Nikunj Arora, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Amit Gupta, Sr. PC with
Ms. Perna Dhall, GP for UOI with
Rajesh Kumar Singh,
2IC Legal (CRPF)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:

"In view of the above, it is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

i) Issue a writ of certiorari for quashing the orders dated 07.03.2019 and 27.10.2023 whereby, the Petitioner's Representations dated 11.02.2019 and 06.10.2023 seeking grant of notional increment for the period 01.07.2008 to 30.06.2009 had been rejected by the respondents, respectively;

(ii) Issue a writ of mandamus directing the respondents to grant one notional increment to the petitioner for the period from 01.07.2008 to 30.6.2009 and to refix the initial pension of the Petitioner by adding one notional increment and



subsequently to re-fix the pension of the Petitioner after the 7th Central Pay Commission and pay the arrears to the petitioner within a specified period along with simple interest @ 6% per annum and',

(iii) to grant the Petitioner the same relief as has been granted by the Madras High Court judgment dated 15.09.2017 passed in W.P. No.15732/2017 affirmed by the Hon'ble Apex Court vide its judgment dated 23.07.2018 in SLP (C) diary No. 22283 of 2018, the order dated 13.01.2020 passed by this Hon'ble Court in W.P.(C) 5539/2019 which has been affirmed by the Hon'ble Apex Court vide order dated 11.07.2023 in SLP (C) 10107/2020; judgment dated 11.04.2023 passed by the Hon'ble Apex court in CA No. 2471 of 2023 and the judgment dated 31.05.2023 passed by this Hon'ble court in W.P.(C) No.1731/2020.

(iv) Pass any such orders as the Han'ble Court may deem fit in the light of above mentioned facts and circumstances of the case."

2. In effect, the petitioner is seeking benefit of notional increment w.e.f. July 1, 2009.

3. Mr. Ankur Chhibber, learned counsel for the petitioner submits that this issue has attained finality in terms of the judgment of the Supreme Court in the case of ***Director (Admn. and HR) KPTCL and Others v. C.P. Mundinamani and Others, (2023) SCC OnLine SC 401.***

4. He also submits that even this Court has followed the aforesaid judgment of the Supreme Court in the case of ***Madan Mohan Dhyani and Ors. v. Union of India and Ors., W.P.(C) 1731/2020***, decided on May 31, 2023. According to him, despite this Court in ***Madan Mohan Dhyani and Ors. (supra)*** clearly directing that the respondents shall



pass necessary orders not only in respect of the petitioners therein i.e., *Madan Mohan Dhyani and Ors.*, but also in respect of all similarly situated persons, the respondents have rejected the representation of the petitioner on October 27, 2023 by stating that the judgment in *Madan Mohan Dhyani and Ors. (supra)* shall be applicable to the petitioners therein only. This according to Mr. Chhibber is contemptuous.

5. Having considered the fact that the Supreme Court and this Court have decided the issue, we are of the view the respondents could not have denied the benefit of the Judgment of the Supreme Court in the case of *Director (Admn. and HR) KPTCL and Ors. (supra)* and *Madan Mohan Dhyani and Ors. (supra)*, on the ground that the Judgment of this Court is applicable to the petitioners therein, more so when the benefit was directed to be given to other similarly placed persons. We accordingly allow the writ petition.

6. The petitioner shall be entitled to the benefit of one notional increment w.e.f. July 1, 2009. The respondents are directed to re-fix the pension of the petitioner by adding one notional increment and subsequently re-fix the pension in terms of 7th CPC and pay arrears thereof within eight weeks from today as an outer limit.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 31, 2024/aky