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

+ **W.P.(C) 4045/2023**

BAL SINGH Petitioner

Through: **Mr. B. S. Jarial, Advocate**

versus

GOVT OF INDIA AND ORS Respondents

Through: **Mr. Nitinja Chaudhary, SPC with
Mr. Anukalp, GP and Mr. Raul
Mourya, Advocate**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **09.05.2024**

1. The present petition under Articles 226 of the Constitution of India seeks to assail the order dated 09.01.2023 passed by the learned Central Administrative Tribunal (the learned Tribunal) in O.A. No. 1602/2017. Vide the impugned order, the learned Tribunal has rejected the petitioner's case for counting his past service between 11.06.1973 to 05.07.1982 with National Atlas and Thematic Mapping Organization (NATMO) for grant of benefits under ACP/MACP Scheme by the respondent/Soil and Land Survey of India (SLUSI).

2. The petitioner had joined NATMO on 11.06.1973 as draftsman where he continued to serve till 05.07.1982, when he joined SLUSI as a Senior Cartographic Assistant after tendering his resignation to NATMO. While he was serving with SLUSI, the petitioner was granted the benefits of first ACP on 09.09.1999 and the benefits of second ACP w.e.f 05.07.2006. These benefits were granted to the petitioner by taking into account his service with SLUSI from 05.07.1982. No grievance regarding the counting of his past service was raised by him at that stage and he superannuated from



service of SLUSI on 31.12.2008.

3. After the petitioner superannuated from service, he in the year 2011-2012 made representations to the respondents/SLUSI with a prayer that his past service with NATMO be taken into account for grant of 3rd ACP benefits. Upon the said representations being rejected, the petitioner in 2017 i.e., almost 9 years after he had superannuated, approached the learned Tribunal by way of O.A. No. 1602/2017, which OA has been dismissed under the impugned order. Being aggrieved, the petitioner has approached this Court by way of the present petition.

4. Learned counsel for the petitioner submits that it is only when pursuant to the decision of the Apex Court in ***S.I Roop Lal and Others vs. Lt. Governor through Chief Secretary of Delhi and Ors.*** (2000) 1 SCC 644, it became evident that the post of draftsman on which the petitioner was working with NATMO had to be treated as Senior Cartographic Assistant, the post on which he was working in SLSUI that the cause of action for the petitioner to raise a claim for counting of his past service with NATMO accrued. He submits that in the light of the parameters laid down by the Apex Court in ***SI Roop Lal (supra)***, it was evident that the post on which he was working in NATMO had to be treated as equivalent to the post on which he joined SLSUI. He, therefore, contends that the learned Tribunal has erroneously rejected the petitioner's claim.

5. Having considered the submissions of learned counsel for the petitioner, we are unable to accept his plea that the post on which the petitioner was working with NATMO is equivalent to post on which he joined SLSUI. The learned Tribunal has, categorically, observed that the pay scale of a draftsman on which post the petitioner was working with



NATMO was Rs.425/- to Rs.700/-, which was decidedly lower than the pay scale of Rs.550/- to Rs.900/-, i.e., the pay scale on which he was working as Senior Cartographic Assistant with SLSUI and, therefore, two posts could not be treated as equivalent. We find no reason to differ with this conclusion arrived at by the learned Tribunal.

6. Furthermore, we find that the petitioner had while in service, without any demur accepted the grant of benefits under the ACP Scheme in 1999 and 2006, which were granted by taking into account his service w.e.f., 05.07.1982, the date when he joined the SLSUI. The petitioner approached the learned Tribunal after almost 9 years, for which delay, there is absolutely no explanation. We are, therefore, of the considered view that an issue which had already attained finality in 1982 when the petitioner joined the service with SLUSI without seeking any benefits of his past service with NATMO, cannot be permitted to be re-agitated at this belated stage.

7. For the aforesaid reasons, we find no infirmity with the impugned order. The writ petition being meritless is accordingly dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 9, 2024/akr