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

+ **W.P.(C) 3671/2024**

KARAN SINGH

..... Petitioner

Through: Mr. Krishan Kumar Sharma,
Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Jatin Singh, Mr. Keshav Sehgal,
Mr. Shivam Gaur, Mr. Kshitij Joshi
and Mr. Aryan Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.03.2024

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CM APPL. 15144/2024 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 3671/2024

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

a) To issue a writ of mandamus or any such order by directing the Respondent No. 2 to 5 for quashing/setting aside the impugned order dated 23/09/2023, for unjust denial of the petitioner's rightful entitlements by denying notional increment and retirement benefits by not making rectification in the petitioner's basic pay scale, in interest of justice;

b) Issuance of a writ in the nature of mandamus or any such order/direction directing the Respondent No. 2 to 5 to



expedite the grant of notional increment which was scheduled for 01/07/2022, may be granted on 30/06/2023. to the Petitioner for the purpose of pensionary benefits from the date of retirement till date without further delay;

c) To pass an appropriate Writ, Order or Direction in the nature of Certiorari to the Respondents or their subordinates, agents, associates to transmit all records and documents in the above matter to this Hon'ble High Court so that conscionable justice may be done;

d) To pass any other Order or Orders, Writ or Writs, or Direction or Directions that this Hon'ble Court may deem fit and proper.

2. The learned counsel for the petitioner refers to the judgement of the Hon'ble Supreme Court in the case of ***Director (Admn. and HR) KPTCL and Others vs. C.P. Mundinamani and Others [2023 SCC ONLINE SC 401]*** wherein, the Hon'ble Supreme Court has in paragraph No.7, held as under:

“7. In view of the above and for the reasons stated above, the Division Bench of the High Court has rightly directed the appellants to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behavior and efficiently. We are in complete agreement with the view taken by the Division Bench of the High Court. Under the circumstances, the present appeal deserves to be dismissed and is accordingly dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs.

I.A. No. 149091/2022 stands disposed of in terms of the above.”

3. Counsel for the petitioner also relies upon the judgment of this Court in the case of ***Arun Chhibber v. Union of India and Ors., W.P.(C) 5539/2019***, wherein one notional increment was granted to the petitioner and



a direction was given to re-fix the pension of the petitioner by adding the same and subsequently re-fix the pension of the petitioner after the 7th CPC.

4. Though reliance is placed by the counsel for the petitioner on the judgment of the Supreme Court, but we find that the impugned order which has been challenged does not deal with the claim of the petitioner in the manner urged, we deem it appropriate to direct the respondents to consider the case of the petitioner keeping in view the claim made by the petitioner and the law laid down by the Supreme Court in the case of *Director (Admin and HR) KPTCL and Ors v. CP Mundinamani and Ors.*, (2023) SCC Online SC 401 and pass appropriate orders within four weeks. If the petitioner is entitled to the relief, then the respondents shall grant the benefit of one notional increment to the petitioner and re-fix the pension of the petitioner by adding one notional increment and pay arrears thereof of the pension within eight weeks after four weeks, during which period, the order as directed above shall be passed.

5. It goes without saying if the petitioner is aggrieved by any order to be passed by the respondents to his prejudice, liberty shall be with him to approach the Court in accordance with law.

6. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 12, 2024/akr