



\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 5297/2024

PREM SHANKER SINGH AND ANR

..... Petitioner

Through: Mr. Nikunj Arora and Mr. Binny
Chopra, Advs.

versus

UNION OF INDIA AND ORS

..... Respondent

Through: Mr. Anil Kumar Saxena, SPC,
Mr. Rajendra Kr. Rawat, G.P. and
Ms. Vandana Sachdeva, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

29.04.2024

%

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

*“(i) Issue a writ Mandamus directing the respondents to grant one notional increment to the petitioners for the period from 01.01.2023 to 31.12.2023 and to re-fix the initial pension of the Petitioners by adding one notional increment and subsequently to re-fix the pension of the Petitioners and pay the arrears to the petitioners within a specified period along; and
(ii) Issue a Writ of Mandamus directing the Respondents to grant the Petitioners the same relief as has been granted by the judgment dated 11.04.2023 passed by the Hon'ble Apex court in CA No.2471 of 2023 and by this Hon'ble Court vide order dated 26.02.2024 in WP(C) No.1793/2024; and
(iii) Pass any such orders as the Hon'ble Court may deem fit in the light of abovementioned facts and circumstances of the*



case.”

2. The learned counsel for the petitioner has relied upon 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.***

3. Though learned counsel for the respondent has placed before us a communication dated March 27, 2024 of the DoP&T addressed to the Ministry of Home Affairs, we are of the view that a similar issue has been decided by us in other writ petitions as well.

4. For parity of reasons, respondents shall consider the claim of the petitioners, more particularly, keeping in view the judgment of the Supreme Court referred to above and pass an order accordingly. If the respondents intends to reject the claim, the reasons thereof shall be communicated but if the petitioners are entitled to the benefit of the judgment of the Supreme Court then the respondents shall grant one notional increment w.e.f., the date after the petitioner had attained the age of superannuation and re-fix the pension by adding one notional increment and pay arrears thereof within eight weeks from the date of decision as an outer limit.

5. If the arrears are not paid within eight weeks, interest at the rate of 6% per annum shall accrue on the arrears.

6. Petition disposed of.

V. KAMESWAR RAO, J

RAJNISH BHATNAGAR, J

APRIL 29, 2024/ds