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

+ **W.P.(C) 5481/2024**

PRAVIN KUMAR RAI

..... Petitioner

Through: Mr. Soumyajit Pani and Mr.
Aishwarya Bajpai, Advocates

versus

**THE INSTITUTE OF CHARTERED
ACCOUNTANTS OF INDIA**

..... Respondent

Through: Mr. Ravinder Agarwal and Mr. Lekh
Raj Singh, Advocates for ICAI

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

22.04.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL.22581/2024 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

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3. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“a) Issue a writ in the nature of certiorari or any appropriate writ(s) quashing the order dated 08.08.2023 and declare the same as illegal, unreasoned and arbitrary; and

b) Issue a writ, order or direction in the nature of mandamus directing the Respondent to rectify the anomaly in the pay scale of the Petitioner and fix the pay scale of the Petitioner equal to that of identically placed employees and consequentially grant the arrears of salary from the date of joining of the Petitioner; and/or”

4. Learned counsel for the petitioner draws attention of this Court to the impugned order which is at page 24 to submit that though the petitioner filed a detailed representation dated 05.07.2022, the same



was rejected *vide* the impugned order dated 08.08.2023. He submits that there is no consideration of the grounds raised in the representation.

5. This Court has perused the impugned order. It appears that the grounds of the representation have not been taken into consideration at all by the Director-HR.

6. At this stage, learned counsel for the petitioner submits that petitioner would be satisfied in case the present petition is treated as a representation to the respondent with a direction to dispose of the same in accordance with law.

7. Keeping in view the aforesaid submissions of learned counsel and having regard to the fact that there are no reasons recorded for refusal mentioned in the impugned order, it is deemed appropriate to direct the Director-HR of the respondent to treat the present writ petition along with all the documents as a representation and dispose of the same in accordance with law. An opportunity of hearing be also accorded to the petitioner. The date, time and venue shall be communicated to the petitioner in advance. A speaking order be passed on such representation.

8. In view of above, the petition is disposed of by directing the Director-HR to dispose of the same within four weeks from today. Needless to state that the order shall be communicated to the petitioner within one week thereafter.

9. The petition is disposed of in the above terms.

TUSHAR RAO GEDELA, J

APRIL 22, 2024/ms