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

+ **W.P.(C) 5801/2024 & CM APPL. 23981/2024**

CHETANY KUMAR GAINAN & ORS. Petitioners

Through: **Mr. Sahil Chandra and Mr. Parth
Tiwai, Advs.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Srivats Kaushal and Mr. Gopesh
Jindal, Advs.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

25.04.2024

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CM APPL. 23981/2024

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5801/2024

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

“In view of the foregoing facts and circumstances, this Hon’ble Court may graciously be pleased to:

a. Issue writ(s)/order(s)/direction(s) in the nature of Mandamus directing the Respondents to grant one notional annual increment to the Petitioners for their last year of service and further directing the Respondents to appropriately re-fix the pension of the Petitioners by adding one notional annual increment and pay the arrears of pension to the Petitioners within a specified period.



b. Pass any other/ further order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

2. The submission of learned counsel for the petitioners is that the issue in hand is covered by the judgment of the Supreme Court in the case of ***The Director (Admin. and HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors., Civil Appeal No. 2471/2023*** as well as of this Court in the case of ***Gopal Singh vs. Union of India and Ors., W.P.(C) 10509/2019*** decided on January 23, 2020.

3. It is his submission that, despite a clear position of law, the respondents have not granted the notional increment and re-fixed the pension of the petitioners who have retired on different dates as per the chart at pages 18 to 22 of the petition.

4. Learned counsel appearing for the respondents on advance notice, by conceding to the fact that the issue appears to be covered by the judgments, states that the respondents shall consider the writ petition as a representation and dispose of the same, keeping in view the said judgments. He also submits that the same shall be done within 12 weeks from today.

5. The decision taken by the respondents shall be communicated to the petitioners, who if aggrieved, shall be within their rights to challenge the same, in accordance with law.

6. In the eventuality, the representation is decided in favour of the petitioners, the respondents shall grant one notional increment to the petitioners for a period of one year preceding the date of retirement and re-fix the pension of the petitioners by adding one notional increment and subsequently re-fix the pension. Arrears thereof be paid to the petitioners



within eight weeks thereafter, failing which simple interest @ 6% shall be paid by the respondents on the said sum for the period of delay.

7. Petition stands disposed of.

V. KAMESWAR RAO, J

AMIT BANSAL, J

APRIL 25, 2024/jg