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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6122/2024

MS. POORVA MEHRA

.....Petitioner

Through: Ms.Kritika Gupta, Adv.

versus

THE REGISTRAR GENERAL, HONBLE HIGH COURT OF
DELHI & ANR.Respondents

Through: Mr.Vibhor Garg, Adv. for R-1

Ms.Aliza Alam, Mr.Nitesh Kumar Singh,
Ms.Laavanya Kaushik & Mr.Mohnish Sehrawat,
Advs. for Mrs.Avnish Ahlawat, Standing Counsel,
GNCTD/ R-2

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

22.08.2024

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1. The petitioner, who is presently serving as an officer of the Delhi Judicial Service since 04.09.2019, has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) Issue a Writ in nature of Certiorari or any other appropriate Writ/ Order/ Direction for quashing and setting aside the pay fix order dated 20.02.2023 bearing no. 1021/payfix/accts/se/2023 passed by Respondent no. 2 insofar as it fixes the pay of the Petitioner in contravention of notice dated 07.10.2021 bearing no. 3529- 3536/dhc/gaz./g-7a/2021 issued by Respondent no. 1;

(b) Issue a Writ in nature of Mandamus or any other appropriate Writ/ Order/ Direction to the Respondents no. 1 and 2 for re-fixing the salary of the Petitioner w.e.f. 04.09.2019 by affording pay protection, as Petitioner is in service since 07.04.2016 without any break in service and increments in basic pay have to be granted from then



onwards in terms of notice dated 07.10.2021 bearing no. 3529-3536/dhc/gaz./g- 7a/2021 issued by Respondent no.1 and clear the arrears thereof w.e.f. 04.09.2019;

(c) Issue a Writ in nature of Mandamus or any other appropriate Writ/ Order/ Direction to the Respondent no. 1 and 2 for treating the period of service rendered by Petitioner with Haryana Judicial Service w.e.f. 07.04.2016 to 03.09.2019 for fixing time scale pay, increment in salary, grant of financial upgradation under Assured Career Progression (ACP) Scheme, and other consequential benefits to the Petitioner;

(d) Issue a Writ in nature of Mandamus or any other appropriate Writ/ Order/ Direction to the Respondent no. 1 and 2 for carrying forward the leaves earned by the Petitioner during her service as an officer of Haryana Judicial Service from 07.04.2016 to 03.09.2019, to her present service, in terms of notice dated 07.10.2021 bearing no. 3529- 3536/dhc/gaz./g-7a/2021 issued by Respondent no. 1;

(e) Any other appropriate Writ/ Order/ Directions may be passed against the Respondents No. 1 and 2, as this Hon'ble Court may deem just and appropriate, in the facts and circumstances of the case and in the interest of justice."

2. Learned counsel for the petitioner submits that though the respondent no.1 has already passed an order on 07.10.2021 informing her that she would be granted pay protection for her past service with the Punjab and Haryana Judicial Service, the said benefits have not been granted to her. She submits that the petitioner is not claiming any retrospective seniority for the period she had served in the Punjab & Haryana Judicial Service, but is only seeking the benefit of pay protection granted to her vide respondent no.1's order dated 07.10.2021.



3. Learned counsel for respondent no.1, who appears on advance notice, submits on instructions that once respondent no.1 has already directed that the petitioner would be given due pay protection, it is now for the respondent no.2 to work out the pay to which the petitioner would consequentially be entitled.
4. Though learned counsel for respondent no.2 is not ready with instructions on this aspect but fairly submits that in case, the petitioner were again to approach the respondent no.2, an endeavour will be made to resolve the anomalies, if any, in respect of the petitioner's pay with reference to the order of pay protection passed by the respondent no.1.
5. In the light of the aforesaid stand taken by the respondents, we are of the view that it will be appropriate that the writ petition is disposed of with a direction to the respondent no.2 to examine the grievances of the petitioner in view of the respondent no.1's order dated 07.10.2021 granting a personal hearing to her. The writ petition is, accordingly, disposed of by directing the respondent no.2 to treat the writ petition as a representation and pass, within a period of eight weeks, a reasoned and speaking order thereon after granting a personal hearing to the petitioner.
6. Needless to state, while passing a fresh order the respondent no.2 will take into account the order passed by the respondent no.1 on 07.10.2021. It is made clear that since this Court has not expressed any opinion on the merits of the claims raised by the petitioner, in case, she is still aggrieved by any order passed by the respondent no.2, it will be open for her to seek legal recourse as permissible in



law.

7. The writ petition is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 22, 2024

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