



\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 6973/2024, CM APPL. 29042/2024 –Stay & CM APPL.
29044/2024 –Addl. Doc.

UNION OF INDIA AND ORS

..... Petitioner

Through: Mr. Piyush Gaur, Adv.

versus

RAKSH PAL SINGH AND ORS

..... Respondent

Through: Mr. Blwanchoo, Mr. G.D.Chawla,
Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

%

27.05.2024

1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 20.09.2023 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 3466/2019. Vide the impugned order, the learned Tribunal has allowed the respondents' Original Application (O.A.) wherein they had, by relying on the decision of the High Court for the State of Telangana at Hyderabad W.P.(C) 17400/2016, prayed that their service as Reserve Trained Pool from 1983 to 1989 be also taken into account for the purpose of granting them benefits under the MACP Scheme. The learned Tribunal has, accordingly, directed the petitioner to extend the same benefits to the respondents as granted by the High Court for the State of Telangana at Hyderabad to the employees in W.P.(C) 17400/2016.
2. Before us, learned counsel for the petitioners does not deny that the respondents are similarly situated as the petitioners in W.P.(C)



17400/2016 before the High Court for the State of Telangana and further concedes that the said judgment has attained finality. His only plea being that the Telangana High Court did not properly appreciate the factual matrix and therefore, prays that this Court may examine the issue by ignoring the decision of the Telangana High Court.

3. *Per contra*, learned counsel for the respondents supports the impugned order and contends that once the petitioners before the Telangana High Court in W.P.(C)17400/2016, have been granted the due benefits of their service as Reserve Trained Pool for purposes of MACP, the respondents cannot be discriminated against. He, therefore, prays that the writ petition be dismissed.
4. Having considered the submissions of learned counsel for the petitioner and perused the impugned order, we find no reason to once again examine the issue. In the light of the admitted position that the respondents are similarly situated as the petitioners before the Telangana High Court who have all been granted the benefits of their service as Reserve Trained Pool, there is no justification for denying the benefits of this service to the respondents for purposes of grant of MACP. We, therefore, find no infirmity in the impugned order.
5. The writ petition being meritless is, accordingly, dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 27, 2024

al