



2024:DHC:8276-DB



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

Date of decision: 24.10.2024

+ W.P.(C) 8999/2024

JAGPAL SINGH SHEKHAWAT

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Adv.

versus

UNION OF INDIA THROUGH SECRETARY MHA & ORS.

.....Respondents

Through: Mr. Amit Gupta, SPC with Mr.
Vidur Dwivedi (GP).
Mr. Hemendra Singh, DC-
Law(BSF)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 62991/2024

1. By this application, the petitioner prays for an early hearing of the present petition in view of the directions passed by this Court vide Order dated 01.10.2024 in W.P.(C) 13783/2024 titled ***Ex AC Hamir Singh & Ors. v. Union of India & Ors.***

2. For the reasons stated in the application, the same is allowed. With the consent of the learned counsel for the respondent, the Writ Petition is taken up for hearing today itself. The next date fixed that is



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05th November, 2024 stands cancelled.

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3. The petitioner has approached this Court under Article 226 of the Constitution of India seeking a direction to the respondents to grant him his due increment in light of the decision of the Supreme Court in *Director (Admn. & HR) KPTCL & Ors. v. C.P.Mundinamani & Ors.*, 2023 SCC OnLine SC 401.

4. The learned counsel for the petitioner submits that for the present, the petitioner will be satisfied if the respondents are directed to examine his claim in light of the decision of the Supreme Court in *KPTCL* (supra) in a time-bound manner.

5. The learned counsel for the respondents has drawn our attention to the Office Memorandum dated 14.10.2024 issued by the Department of Personnel & Training, whereby, it has been decided to implement the clarificatory Order passed by the Supreme Court in S.L.P. (C) 4722/2021 titled *Union of Indian & Anr. v. M. Siddaraj* on 06.09.2024, without prejudice to the stand of the respondents and without prejudice to any change in law in that regard.

6. In light of this fair stand taken by the respondents, the writ petition is disposed of by directing the respondents to consider the petitioner's claim, as raised in the present petition, within a period of eight weeks from today and pass a reasoned and speaking order *qua* the petitioner.

7. Needless to state, while taking a decision on the petitioner's claim, the respondents will take into account the decision dated



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11.04.2023 of the Supreme Court in *Director (Admn. & HR) KPTCL & Ors.* (supra) read with the clarificatory order passed by the Supreme Court in S.L.P. (C) 4722/2021 titled *Union of Indian & Anr. v. M. Siddaraj* on 06.09.2024. It is further made clear that in case the petitioner is aggrieved by any order passed by the respondents, it will be open for him to seek legal recourse as permissible in law.

8. The petition along with pending application(s), if any, are disposed of with the above directions.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 24, 2024/ab/B/VS