



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

% Date of decision: January 05, 2024

+ W.P.(C) 15467/2023, CM APPL. 61992/2023

(2) S SIVA KUMAR Petitioner

Through: Mr. A. K. Mehta and Ms. Gunjan
Kumari, Advs.

versus

UNION OF INDIA THROUGH ITS SECRETARY & ANR.

..... Respondent

Through: Mr. Hemant Kumar Yadav, SPC for
UOI with Mr. Kapil Dev Yadav, GP
with Mr. Prahalad Devendra, CISF &
Mr. A.N. Choubey, CISF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 61992/2023

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 15467/2023

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

*"It is, therefore, most respectfully prayed by the
Petitioners that this Hon'ble Court may be pleased to:-*



(i) *Issue a writ of mandamus to the Respondents to fix the basic pay of the petitioner at Rs.7,510 instead of Rs.6,750 and grant the Petitioner the basic pay equivalent to the other similarly placed Sub-Inspector under Respondent Nos. 1 and 2 and direct the Respondents to pay the arrears of pay w.e.f. 01.01.2006;*
(ii) *Pass any other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

2. Our attention has been drawn to an order dated July 06, 2022 of a Coordinate Bench of this Court in W.P. (C) 4524/2022, of which, one of us (Saurabh Banerjee, J.) was a member, has disposed of the petition involving identical prayers by stating in paragraph 4 as under:-

"4. In view of the above, the present petition is disposed of with direction to the respondents to examine the case of each of the 16 petitioners in terms of decision in Vinoj V.V. and Ors. (Supra) within four weeks and if the petitioners are found eligible, their pay be refixed and arrears thereof, along with interest @9% p.a., be paid within four weeks thereafter. The petitioners, who according to the respondents are not covered by decision in Vinoj V.V. and Ors. (Supra), be informed by the respondents in writing by citing reasons therefor."

3. The judgment in the case of **Vinoj V.V. and Ors. v. Union of India and Anr. 2018 SCC OnLine Del 12714** has been upheld by the Supreme Court as the SLP thereof was dismissed on July 19, 2019.

4. For parity of reasons, this writ petition is disposed of, at the admission stage itself, directing the respondents to examine the case of the petitioner in terms of decision in **Vinoj V.V. and Ors. (supra)**



within four weeks from today and if the petitioner is found eligible, his pay be refixed and arrears thereof, along with interest @ 9% p.a., be paid within four weeks thereafter. The petitioner who according to the respondents is not covered by the decision of *Vinoj V.V. and Ors. (supra)*, be informed by the respondents in writing citing reasons therefore.

5. Petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 05, 2024/ak