



2024:DHC:7610-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 11881/2024, CM APPL. 49404/2024 & 49405/2024****UNION OF INDIA & ORS.**

.....Petitioners

Through: Ms. Radhika Bishwajit Dubey,
CGSC with Ms. Gurleen Kaur Waraich,
Ms. Drishti Rawal and Mr. Aviral Jain,
Advs.

versus

AJIT SINGH & ANR.

.....Respondents

Through:

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN****ORDER (ORAL)**

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01.10.2024**C. HARI SHANKAR, J.**

1. This petition under Article 226 of the Constitution of India assails the judgment dated 6 March 2024 passed by the Principal Bench of the Central Administrative Tribunal in OA 1013/2016¹.

2. The applicants before the learned Tribunal, who are the respondents in the present petition, sought inclusion, in their basic pay for the purpose of computation of pension and other related benefits, of 55-75% element of Running Allowance.

3. It is not necessary to enter in detail into the various submissions

¹ **Ajit Singh v UOI**



advanced before the learned Tribunal, as this issue has already been addressed by this Court in its judgment in WP (C) 2937/2007 against which Review Petition 377/2015 was also preferred. In the said review petition, this Court held thus:

6. It is apparent from the above that the posts of Loco Inspectors, Crew Controllers etc. have to be filled only from Loco Running Side and they are inter alia required to perform duties directly connected with the training and monitoring of loco running staff on foot-plate duties of the locomotive cab of the moving trains. Therefore, it established beyond doubt that Loco Inspectors' suitability on the basis of their performance and expertise as loco running staff. Paragraph 5.1 of the above guidelines is further explicit that Loco Inspectors would be credited with actual foot-plate duties and also entitled to Running Allowance at the rate notified from time to time. *Apparently, it was in these circumstances that this Court affirmed the decision of the CAT, that concluded that creating a disparity between the Loco Inspectors and Loco Running staff at the time of their retirement in terms of addition of the element of running allowance (Loco Running Staff being entitled to 55% and Loco Inspectors being entitled to the reduced quantum of 30%) was discriminatory.*

7. Having considered the instructions, we are of the opinion that the arguments of the Indian Railways are unmerited. So far as the reliance upon the decision in ***Union of India & Ors v O.P. Saxena***² is concerned, we note that the Supreme Court was concerned with the issuing of stepping up of pay and had no occasion to deal with the question of discrimination at the stage of retirement in fixation of retirement benefits.

8. For the above reasons, the review petitions are dismissed as unmerited.”

(Emphasis supplied)

4. The aforesaid decision was also carried to the Supreme Court by way of Civil Appeal 3110/2016. *Vide* order dated 22 February 2023, the Supreme Court dismissed the entire batch of Civil Appeals, involving identical issues and dealing with similar persons.

² AIR 1997 SC 2978



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5. Keeping in view these facts, the learned Tribunal has concluded the impugned judgment thus:

8. After perusing the pleadings available on record and the aforesaid detailed arguments, I find considerable merit in the arguments of the learned counsel for the applicants, taking note of the fact that all such cases have attained finality in the Hon'ble Apex Court, thereby affirming the decision of this Tribunal on the issue under reference. Thus, the respondents are directed to extend the benefit of 55% pay element for pensionary benefits granted to the similarly situated retired employees by virtue of the aforementioned judgments/decisions of the Hon'ble Supreme Court, the Hon'ble High Courts and this Tribunal and recompute the pension and other ancillary retirement benefits of the applicants after such re-fixation of the pay. They shall also make payment of the resultant consequential arrears from the due date of their retirement within a period of three months from the date of receipt of a copy of this Order.

6. Ms. Gurleen Kaur, learned Counsel for the petitioners, in these circumstances, leaves the matter to the Court.

7. As the matter is covered by earlier decisions of this Court, which stand affirmed by the Supreme Court, we find no error in the impugned judgment of the learned Tribunal. No case for interference with the impugned judgment, within the scope of Article 226 of the Constitution of India can be said to exist.

8. The petition is dismissed *in limine*.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 1, 2024/j

[Click here to check corrigendum, if any](#)

Signature Not Verified

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By: HARVINDER KAUR
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Signing Date: 03.10.2024
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