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

+ **W.P.(C) 13253/2024**

KULDEEP SINGH AND ANR

.....Petitioners

Through: Mr. Nikunj Arora, Mr. Anshuman Mehrotra and Ms. Binny Chopra, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Rajesh Kumar, SPC with Mr. Amit Acharya and Mr. Rahul Sharma, Advs. for UOI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

20.09.2024

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1. The petitioners have approached this Court under Article 226 of the Constitution of India seeking a direction to the respondents to grant them their due increments in the light of the decision of the Apex Court in ***Director (Admn. & HR) KPTCL & Ors. versus C.P.Mundinamani & Ors.*** [Civil Appeal No.2471/2023].
2. Learned counsel for the petitioners submits that the request of the petitioners for grant of due increment in terms of the aforesaid decision of the Apex Court has been rejected by the respondents vide the impugned order dated 22.03.2024 only on the ground that they were not parties to the aforesaid decision. He submits that this plea taken by the respondents is



absolutely misconceived and therefore, prays that the respondents be directed to re-examine the claim of the petitioners in the light of the aforesaid decision of the Apex Court in a time bound manner.

3. Issue notice. Mr. Rajesh Kumar, learned counsel accepts notice on behalf of the respondents and submits that he has no objection, if the petition is disposed of by directing the respondents to take a fresh decision regarding the petitioners' claim in a time bound manner.

4. In the light of this fair stand taken by the respondents, the writ petition is disposed of by setting aside the order dated 22.03.2024 and directing the respondents to re-consider the petitioners' claim as raised in the present petition within a period of 12 weeks by passing reasoned and speaking orders qua both the petitioners.

5. Needless to state while taking a decision on the petitioners' claim, the respondents will, take into account the decision dated 11.04.2023 of the Apex Court in **Director (Admn. & HR) KPTCL & Ors. (supra)** read with the clarificatory order passed by the Apex Court on 06.09.2023 in S.L.P. (C) 4722/2021. It is further made clear that, in case, the petitioners are aggrieved by any order passed by the respondents, it will be open for them to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 20, 2024/ss