



\$~56

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 13586/2024**  
**HUKAM SINGH** .....Petitioner  
Through: Mr. Anoop Singh, Adv.  
versus  
**UNION OF INDIA & ORS.** .....Respondents  
Through: Mr. Hemant Kumar, SPC with  
Mr. Kapil Dev Yadav, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

% **26.09.2024**

**CM APPL. 56743/2024**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 13586/2024**

3. This petition has been filed under Article 226 of the Constitution of India praying for following reliefs:

*"2) Issue a Writ of mandamus or any other Writ order or direction thereby CRPF directing the Respondents (D.G CRPF) to give one notional increment to the petitioners for the purpose of calculation of pension and other terminal benefits, as he has completed one full year of service on the date of retirement as per settled law in Annexure P-4, P-5 & Annexure P-6.*

*3) Issue a Writ of Mandamus or an other appropriate writ, order or direction, directing the Respondent DG CRPF to grant the arrear to the pensioners with the rate of 12% as per law accordingly.*

*4) To grant 01 Notional Increment Benefits to the petitioners w.e.f from their retirement years i.e 01.07.2023, as per the judgement passed by this Hon'ble Court of Delhi in said Civil Writ Petition bearing no 1028 of 2024 titled as NAGENDERA SINGH.*



5) That the petitioner is the similarly situated of person as that of the Civil Writ Petition No 1028 of 2024 as NAGENDERA SINGH and hence, are praying for the similar relief as per the judgement dated 31.01.2024 passed by this Hon'ble High Court Of Delhi annexed herewith as annexure-P- 9.

6) Pass any order in the interest of justice.”

4. It is the case of the petitioner that he retired on 30.06.2023, however, has been denied the notional annual increment by the respondents stating that as he has retired prior to 01.07.2023, he would not be entitled to the same.

5. The petitioner has *inter-alia* relied upon the Judgment of the Supreme Court in **Director (Admn. & HR) KPTCL & Ors. vs. C. P. Mundinamani & Ors., 2023 SCC OnLine SC 401.**

6. On the other hand, learned counsel for the respondents, who appears on advance notice, has drawn our attention to the Order dated 06.09.2024 passed by the Hon'ble Supreme Court in Misc. Application Diary No. 2400/2024 in Special Leave Petition (C) No. 4722/2021, titled **Union of India & Anr. vs. M. Siddaraj**, wherein the Supreme Court, taking note of a large number of the fresh writ petitions being filed seeking similar relief, has passed the following interim order:-

“(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.

(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as *res judicata*, and accordingly, an enhanced pension by taking one increment would have to be paid.



(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.”

7. Prima facie, as the petitioner has retired post 01.05.2023, he may be entitled to the benefit of the Judgment of the Supreme Court in **Director (Admn. & HR) KPTCL (supra)**, however, without giving any final opinion on the merit, we dispose of the writ petition by directing the respondents to pass a reasoned and speaking order treating the present petition as a representation of the petitioner, and keeping in view the Judgments in **Director (Admn. & HR) KPTCL (supra)** as also **M. Siddaraj (supra)**.

8. The order in terms of aforesaid directions be passed by the respondents and communicated to the petitioner within a period of four weeks from today.

9. The writ petition is accordingly disposed of.

10. It shall be open to the petitioner, if aggrieved, to challenge the order passed by the respondents, in accordance with law.

NAVIN CHAWLA, J

SHALINDER KAUR, J

SEPTEMBER 26, 2024/ss

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