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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2995/2024 & CM APPL. 12330/2024 -Ex.

UNION OF INDIA & ANR.

..... Petitioner

Through: Ms.Hilal Haider with Mr.Butul Khan,
Adv.

versus

SHRI V V KRISHNA SARMA

..... Respondent

Through: Mr.Vinay Gupta, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

28.02.2024

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1. The present petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 21.07.2023 passed by the learned Central Administrative Tribunal in O.A.3478/2015.
2. Vide the impugned order, the learned Tribunal has allowed the original application preferred by the respondent by directing the petitioners to forthwith implement its own order dated 29.04.2011, whereunder the promotion of the respondent along with three similarly situated employees was antedated. We may note that under order dated 29.04.2011, the respondent's promotion as an Administrative Officer was antedated from 16.12.2008 to 01.05.2008. However, despite having passed this order, the petitioners failed to implement the same. Consequently, the respondent was compelled to approach the Tribunal by way of the original application, which has



been allowed in terms of the impugned order, with costs of Rs. 10,000/-.

3. Before us, the only submission of learned counsel for the petitioners is that once it was realised that the order dated 29.04.2011 was passed incorrectly, the petitioners were justified in not implementing the same. She further submits that the order qua the other persons named therein was implemented only because directions had been issued in their favour by the learned Tribunal, earlier in OAs filed by them. She, therefore, prays that the impugned order be set aside.
4. On the other hand, learned counsel for the respondent supports the impugned order and submits that merely because the respondent was, by the petitioner itself, granted the same relief as granted by the learned Tribunal to the similarly placed employees, it cannot now urge that they will not implement the order whereunder relief was granted to the respondent. He further submits that not only have, the other similarly situated persons mention in the order dated 29.04.011, been granted the same relief of antedating their promotion, but over 700 other similarly placed persons have been granted the same relief. He contends that the petitioners despite being aware of this position have deprived the respondent of his rightful dues for the last almost thirteen years and therefore, prays that the writ petition be dismissed with costs.
5. Having considered the submissions of the learned counsel for the petitioner and perused the record, we are unable to appreciate as to how the Union of India can discriminate against its employee merely because he had been granted the relief by his own department with



him having approached the learned Tribunal. In our considered view, once the petitioners themselves included the name of the respondent, along with other similarly placed employees who had approached the learned Tribunal at different instances, the respondent was justified in seeking relief based on the order dated 29.04.2011, passed by the petitioners themselves. Further, we also find that the same relief as was granted to the respondent under the aforesaid order already stands extended to over 700 similarly situated persons. The petitioners having realised that the respondent was entitled to antedating of his promotion, could not have subsequently taken the plea that they will not implement their own order as it was passed without any directions having been issued by the learned Tribunal in his favour.

6. Once it is not denied that the respondent was similarly placed as the employees mentioned in the order dated 29.04.2011, there was no justification on the part of the petitioner in refusing to extend the benefit of the said order to the respondent. This conduct of the petitioner needs to be deprecated. It is, therefore, clear that the petitioners have, without any justifiable basis, dragged the respondent into litigation for the last 13 years. In the light of the aforesaid, we dismiss the petition by enhancing the costs payable by the petitioner in terms of the impugned order to Rs.50,000/- .
7. At this stage, learned counsel for the petitioner prays for and is granted further three months time to implement the orders dated 29.04.2011 in terms of the impugned order.



8. The petition stands dismissed in the aforesaid terms.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 28, 2024
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