



2024:DHC:8274-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 24.10.2024

+ W.P.(C) 15008/2024
SHRI RAJESHWAR TYAGIPetitioner
Through: Mr.Pramod Kr. Tiwari and
Mr.Anil Kr. Sinha, Advs.
versus
UNION OF INDIA & ANR.Respondents
Through: Ms.Shreya Sinha, SPC,
Ms.Saumya Kapoor, GP with
AC G.S. Rathore, Insp Yespal,
SI Prahlad Devenda, CISF

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 62886/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 15008/2024

2. The petitioner has approached this Court under Article 226 of the Constitution of India, seeking a direction to the respondents to grant him his due increments in light of the decision of the Supreme Court in *Director (Admn. & HR) KPTCL & Ors. versus C.P.Mundinamani & Ors.* 2023 SCC OnLine SC 401.

3. The learned counsel for the petitioner submits that for the present, the petitioner will be satisfied, in case the respondents are directed to examine his claims in light of the decision of the Supreme Court in *Director (Admn. & HR) KPTCL & Ors.* (supra) in a time-bound manner.

4. Issue notice.



2024:DHC:8274-DB



5. Notice is accepted by Ms. Shreya Sinha, learned counsel on behalf of the respondents. She has no objection if the present petition is disposed of by directing the respondents to take a final decision regarding the petitioner's claim in a time-bound manner.

6. The learned counsel for the respondents has also drawn our attention to the Office Memorandum dated 14.10.2024, issued by the Department of Personnel & Training, whereby it has been decided to implement the *interim* Order dated 06.09.2024, passed by the Supreme Court in MA Dy. N.2400/2024, without prejudice to the stand of the respondents and without prejudice to any change in law in that regard.

7. In light of this fair stand taken by the respondents, the writ petition is disposed of by directing the respondents to consider the petitioner's claim, as raised in the present petition, within a period of eight weeks from today and pass a reasoned and speaking order *qua* the petitioner.

8. Needless to state, while taking a decision on the petitioner's claim, the respondents will take into account the decision dated 11.04.2023 of the Supreme Court in ***Director (Admn. & HR) KPTCL & Ors.*** (supra) read with the clarificatory order passed by the Supreme Court in S.L.P. (C) 4722/2021 on 06.09.2024. It is further made clear that in case the petitioner is aggrieved by any order passed by the respondents, it will be open for him to seek legal recourse as permissible in law.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 24, 2024/Arya/DG

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