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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6827/2006, CM APPL. 5597/2006 –Stay & CM APPL. 9884/2007 -Substitution of R-12.

UOI & ORS.

..... Petitioners

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Kushagra Kumar and Mr.
Abhinav Bhardwaj, Advocates

versus

P.S.GUTPA & ORS.

..... Respondents

Through: Mr. F. S. Chouhan with Ms. Usha
Kashyap and Mr. N. S. Rathore,
Advocates for R-1 & LR of R-13

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

15.05.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 15.07.2005 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No.1545/2002.
2. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondents and directed the petitioners to re-fix the pay of the respondents by adding the element of running allowance to the extent of 55% and accordingly re-determine the arrears of pay and pensionary benefits payable to them. While allowing the OA, the learned Tribunal has relied on its earlier decision dated 16.09.2001 in OA 229/2000, which decision has attained finality having been unsuccessfully



challenged by the petitioners not only before this Court but also before the Apex Court.

3. The record shows that though notice in the present petition was issued on 03.05.2006, the operation of the impugned order was not stayed. It also transpires that despite repeated directions issued by this Court, the petitioners have not been able to serve the respondents. Consequently, except for respondent no.1 and the LRs of respondent no.13, none of the other respondents are represented. The recent order passed by the learned Registrar on 13.03.2024 also shows that the petitioners have not been taking any steps for effecting service of the remaining respondents.

4. In the light of the aforesaid circumstances and taking into account that the decision in OA 229/2000 based on which the impugned order has been passed has already attained finality, we see no reason to interfere with the impugned order at this belated stage.

5. The writ petition is, accordingly, dismissed alongwith the pending applications.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 15, 2024/So