



2024:DHC:9193-DB



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

Date of decision: 25.11.2024

+ W.P.(C) 16265/2024
SUNDER LAL JANARTHA

.....Petitioner

Through: Mr.Mahesh Srivastava &
Mr.Vikay Kr. Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Devashish Bhadauria, Sr.
Panel Counsel.
Mr.Gopesh Jindal, Adv.

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

NAVIN CHAWLA, J. (Oral)

CM APPL. 68477/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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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



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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.

5. Notice is accepted by Mr.Devashish Bhadauria, learned counsel on behalf of the respondents. He 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 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



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respondents, it will be open for him to seek legal recourse as permissible in law.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 25, 2024/rv/DG

Click here to check corrigendum, if any