



2024:DHC:9174-DB



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

Date of decision: 26.11.2024

+ W.P.(C) 16322/2024

SH. GOPAL KRISHAN

.....Petitioner

Through: Mr. Omprakash Kr. Srivastava,
Adv.

versus

UNION OF INDIA THROUGH SECRETARY & ORS.

.....Respondents

Through: Mrs. Saroj, SPC with Mr.
Sanjay Pal, Adv.

Ms. Shagun S. Chugh, SPC
with Ms. Seema Singh, Ms.
Meena Chugh & Mr. Utsav
Magotra, Advs.
Subedhar Ram Niwas.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL.68770/2024

1. Allowed, subject to all just exceptions.

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2. This petition has been filed by the petitioner praying for a direction to the respondents to consider the petitioner for promotion as per the length of his service and to refix his service pension in the next



higher rank.

3. The petitioner claims that he was promoted to OEM Grade-I after retirement from the service but with retrospective effect, however, did not receive any written information from the record office nor did he receive any financial/pensionary benefits as a result of the said promotion. His pension is being released to him as if he was in the rank of OEM Grade-II.

4. In the present petition, the petitioner has himself annexed a response dated 10.07.2023 to his legal notice dated 26.04.2023, wherein the respondents have *inter alia* stated as under:

“Shri Gopal Krishan Bhatia (EXGS-164880X OEM Gde-I) was promoted to OEM-I in the scale of Pay Band (PB-I) Rs.5200-20200 with Grade Pay Rs.2800/- and assumed the promotion of OEM Gde-I wef 09 Feb 2009 as per GREF Records PCPO No.0149/GP-II/DPC/OEM-I/FA5 dt 23 Jan 2009. Accordingly, Part-II Order No.0/060/0001/2009 dated 20 Jun 2009 published as well as necessary pay fixation on promotion had been initiated and forward to concerned AO for their audit verification. On receipt of the pay fixation from concerned AO, accordingly, revised data sheet for pensionery benefits on grant of promotion to OEM Gde-I had been forwarded to PCDA (P) Allahabad. Accordingly, Corrigendum PPO No.C/Corr/GREF/ 1013/2010 dated 22 Jun 2010 issued by PCDA(P) Allahabad, in which it is clearly mentioned about the pay scale of OEM Gde-I i.e. Basic pay Rs.9180/- with Grade Pay Rs.2800/- (Copy enclosed). All financial benefits regarding pensionery benefits on grant of promotion to OEM Gde-I has been paid to individual.”

5. Therefore, the respondents have informed the petitioner that he



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has been promoted to OEM Grade-I and all financial benefits including pension on grant of promotion have been paid to the petitioner. The petitioner has not responded to this letter or disputed the contents thereof, but has rather approached this Court by way of the present petition making a vague allegation that these benefits have not been paid to him.

6. Keeping in view the above response of the respondents, wherein they have admitted that the petitioner is entitled to the pensionary benefits by treating him as having been promoted to OEM Grade-I, we are of the opinion that in case the petitioner is not receiving the complete pensionary benefits, the petitioner may file a representation in that regard, along with proof thereof, with the respondents. On receipt of such representation, the respondents must decide upon the same within a period of six weeks from the receipt thereof. In case the grievance of the petitioner is accepted, the arrears should be released to the petitioner within the above period. However, if the representation of the petitioner is rejected, a speaking order thereon be passed and if the petitioner is still aggrieved, it shall be open to the petitioner to challenge the same in accordance with law.

7. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 26, 2024/ab/sk/as

Click here to check corrigendum, if any