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

+ **W.P.(C) 16656/2024**

R.S. MATHUR

.....Petitioner

Through: Mr.Anoop Singh, Mr.Sachin
Malik, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Kshitij Chhabra, SPC,
Ms.Anushka Guputa, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **03.12.2024**

CM APPL. 70446/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P. (C) 16656/2024

2. This petition has been filed by the petitioner praying for the following reliefs:

“1)Issue an Order directing DG, BSF there by calling for records of petitioner.

2. Issue a Writ of mandamus or any other Writ order or direction thereby BSF directing the Respondents (D.G BSF) to give one notional increment to the petitioner for the purpose of calculation of pension and other terminal benefits, as he has completed one full year of service on the date of retirement as per settled law in Annexure P-4, P-5 & Annexure P-6.

3)Issue a Writ of Mandamus or an other appropriate writ, order or direction, directing the Respondent DG BSF to grant the arrears to the pensioners with the rate of 12% as per law accordingly.

4) To grant 01 Notional Increment Benefits to the petitioner w.e.f from their retirement years i.e 01.07.2009, as per the judgement passed by this Hon'ble Court of Delhi in said Civil Writ



Petition bearing no 1028 of 2024 titled as NAGENDERA SINGH.

5) That the petitioner is the similarly situated of person as that of the Civil Writ Petition No 1028 of 2024 as NAGENDERA SINGH and hence, are praying for the similar relief as per the judgement dated 31.01.2024 passed by this Hon'ble High Court Of Delhi annexed herewith as annexure-P-g.”

3. It is the case of the petitioner that he was enrolled in the BSF on 01.09.1973, and discharged from service on 30.06.2009 after completing full one year of service, i.e. from 01.07.2008 to 30.06.2009 and, thus, the petitioner is entitled to notional annual increment, which was to take effect from 01.07.2008 of the respective year.

4. Issue notice.

5. Notice is accepted by Mr.Kshitij Chhabra, the learned counsel for the respondents.

6. Considering the nature of the grievances raised by the petitioner, we are of the opinion that the respondents must consider the same as a representation of the petitioner and decide the same within a period of four weeks from today, taking into account the decision dated 11.04.2023 of the Supreme Court in **Director (Admn. & HR) KPTCL & Ors. V. C.P. Mundingamani & Ors.**; 2023 SCC OnLine SC 401, read with the clarificatory order passed by the Supreme Court in S.L.P. (C) 4722/2021 on 06.09.2024, and communicating their decision to the petitioner. In case the petitioner is aggrieved of the decision taken by the respondents, it shall be open to the petitioner to challenge the same in accordance with law. We make



it clear that we have not expressed any opinion on the merits of the present case.

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

NAVIN CHAWLA, J

GIRISH KATHPALIA, J

DECEMBER 3, 2024/Arya/DG

Click here to check corrigendum, if any