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

+ **W.P.(C) 16969/2024**

SH RAJENDER KUMAR OLA & ORS.

.....Petitioners

Through: Mr. Rahul Kumar Verma and
Ms.Seema Thapliyal, Advocates.

versus

**CHACHA NEHRU BAL CHIKITSALAYA
AND ORS**

.....Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms.Laavanya Kaushik, Ms. Aliza Alam and
Mr.Mohnish Sehrawat, Advocates for
Respondents/GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.12.2024

CM APPL. 71884/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking a direction to the Respondents to consider their case for grant of two additional increments (non-absorbable) on their acquiring Post Basic B.Sc. Nursing Degree w.e.f. the respective dates from which the degree certificates have been issued with consequential financial benefits.
4. Petitioners who are presently working as Nursing Officers (Staff



Nurse) with Respondent No. 1/Institute, which is an autonomous Institute under Government of NCT of Delhi (GNCTD) are aggrieved by non-grant of additional increments which they claim they are entitled to get on acquiring additional qualification of Post Basic B.Sc. Nursing Degree from different universities. It is averred that proposal for grant of the additional increments was examined by Health and Family Welfare Department and it was observed that as per Circular dated 08.10.2010 issued by its Technical Recruitment Cell, there is a provision to grant one additional increment (non-absorbable) for possessing Post Certificate Diploma and two increments (non-absorbable) for possessing qualification of Post Basic B.Sc. Nursing Degree. Proposal was examined by the Finance Department of GNCTD but was returned to Respondent No. 1 on 11.09.2017 with some observations. The proposal was resubmitted to Health and Family Welfare Department, which again made a favourable recommendations but the proposal has not been resent to the Department of Finance and/or Respondent No. 1 and due to the inaction by Respondent No. 1 till date Petitioners have not received the additional increments causing a financial loss in their salary and emoluments.

5. Issue notice.

6. Ms. Avnish Ahlawat, learned Standing Counsel accepts notice on behalf of Respondents.

7. Petitioners seek two additional increments (non-absorbable) on their acquiring Post Basic B.Sc. Nursing Degree by this writ petition. From a reading of the writ petition, it is evident that till date no final decision has been taken despite a favourable recommendation of the Health and Family Welfare Department in light of Circular dated 08.10.2010. Therefore, at this



stage, it would be appropriate to dispose of this writ petition with a direction to Respondent No. 1 to process the file for consideration whether Petitioners are entitled to the two additional increments as claimed.

8. Accordingly, without entering the merits of the case, this writ petition is disposed of directing Respondent No. 1 to process the case of the Petitioners for grant of two additional increments as claimed to the Department of Finance, GNCTD along with the recommendation of Health and Family Welfare Department. The Competent Authority will take a decision taking into consideration the issues raised by the Petitioners in the present writ petition as also the multiple proposals referred to therein, allegedly in their favour as also keeping in view the Circular dated 08.10.2010 which is the basis of a favourable proposal made by Health and Family Welfare Department.

9. Needless to state that if the Competent Authority decides in favour of the Petitioners, the same shall be granted but if the decision is otherwise, a reasoned and speaking order shall be passed. The entire exercise will be completed within a period of eight weeks from today. The decision will be communicated to the Petitioners and in case of any surviving grievance; they will be at liberty to take recourse to legal remedies.

JYOTI SINGH, J

DECEMBER 9, 2024

B.S. Rohella/shivam