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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5789/2011 and CM APPL. Nos. 19081/2024, 52629/2024

ASIF MASOOD AND ORS

.....Petitioners

Through: Ms. Garima Prashad, Senior
Advocate with Mr. Shadab Khan, Advocate.

versus

**HAMDARD INSTITUTE OF MEDICAL SCIENCES AND
RESEARCH AND HAHC HOSPITAL
AND ANR**

.....Respondents

Through: Mr. Saket Sikri, Mr. Vikalp Dudgal,
Mr. Ajaypal Singh Kullar, Mr. Vignesh Raj T. and
Mr. Priyansh Choudhary, Advocates for R1.
Mr. Zubair Hanifi, Mr. Swaroop George, Ms. Saba
Tasleem, Advocates with Mr. Takrim (Law
Officer) for R2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

09.09.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:

“a) Issue a writ of Certiorari or any other appropriate writ, order or direction thereby calling for the records relating to issuance of office order No. D.NO.Estab/LD/148 dated 19.5.2011 whereby reducing the Grade Pay of the petitioners from Rs.2800/- to grade pay of Rs.1800/- against the pay scale of Rs.5200-20200 on their appointment as Laboratory Technician (Junior Scale) by the respondents, examine the same and quash it to the extent it reduces the grade pay from 2800/- to 1800/- in respect of the petitioners.

b) Issue a writ of mandamus or any other appropriate writ order or direction thereby directing the respondents to pay to the petitioners on the basis of their pay scales and grade pay as contained both in the advertisement and appointment letters of petitioners i.e. 5200-20200 with a Grade pay of Rs.2800/- from the date of joining and fix their respective pay accordingly on that basis.



c) Grant any other relief which Your Lordship deem fit and proper in the circumstances of the case.”

2. Ms. Garima Prashad, learned Senior Counsel appearing on behalf of the Petitioners hands over a copy of an Office Order dated 04.09.2024 issued by Respondent No.2, whereby in light of orders passed by this Court in CWP No. 5789/2011 filed by 12 Lab Technicians (Junior Scale), Grade Pay of Rs.2,800/- in PB-II (5200-20200) has been restored in respect of the 16 Lab Technicians (Junior Scale) which includes the Petitioners. It is fairly submitted that the grievance of the Petitioners ventilated in the present petition thus stands redressed. She, however, urges that direction be issued to Respondent No. 2 to release the arrears arising on account of re-fixation of the pay in terms of Office Order dated 04.09.2024, at the earliest.

3. Since the grievance of the Petitioners stands redressed and Grade Pay of Rs.2800/- in PB-II had been restored, no further order is required to be passed in the present petition, save and except, a direction that the arrears arising on account of re-fixation of pay, in light of the restoration of the Grade Pay, shall be released as expeditiously as possible but not later than 8 weeks from the date of the receipt of this order. Office Order dated 04.09.2024 is taken on record.

4. Petition stands disposed of in the aforesaid terms along with pending applications.

JYOTI SINGH, J

SEPTEMBER 9, 2024/jg/shivam