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

+ **W.P.(C) 3237/2025**

POONAM

.....Petitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Bhanu Malhorra, Mr. Gopeshwar Singh Chandel, Dr. Hilaluddin & Mr. Abdhul Bari Khan, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Sahaj Garg, SPC for UOI with Mr. Vedansh Anand, GP.
Mr. Akash Kishore, Advocate for NESTS.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.03.2025

CM APPL. 15271/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3237/2025 & CM APPL. 15272/2025

1. The petitioner is working as a PGT (History) in the respondent No. 3 - Eklavya Model Residential School ["School"] at Biharipura, Rajasthan since 01.07.2024. She has filed this writ petition against a notice dated 27.01.2025, by which an increment has been granted to the



eligible employees, who have joined on or before 01.07.2024, subject to the condition that they have not taken Leave Without Pay [“LWP”] or Earned Leave [“EOL”] for reasons other than medical grounds.

2. It is the petitioner’s grievance that the notice has been applied retrospectively. According to Mr. Sulaiman Mohd. Khan, learned counsel for the petitioner, the petitioner proceeded on three days’ leave, from 26.11.2024 to 28.11.2024, with the permission of the authorities, on account of the serious illness of her father-in-law, who was suffering from cancer. The petitioner’s father-in-law passed away on 26.11.2024, which compelled the petitioner to extend her leave until 12.12.2024. This period was treated as extraordinary leave.

3. Without entering into the merits of the matter, learned counsel for the parties point out that the petitioner has made a representation dated 11.02.2025, seeking grant of the increment in question. She has referred thereto the applicable rules and office memorandum. Learned counsel for the respondents states that respondents have not yet taken a final decision in the matter.

4. In these circumstances, I am of the view that the writ petition, at this stage, is premature, and an opportunity must be given to the respondents to take an administrative decision with regard to the petitioner’s eligibility. Learned counsel for the respondents states that this will be done within the next six weeks.

5. In view of the above, the writ petition is disposed of, directing the respondents to dispose of the petitioner’s representation, in accordance with law, with a speaking order within a period of six weeks from today.

6. The rights and contentions of the petitioner, including those



regarding the validity of notice dated 27.01.2025, are left open, to be agitated if the necessity arises.

PRATEEK JALAN, J

MARCH 17, 2025

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