



2025:DHC:10098-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 13.11.2025***+ W.P.(C) 5486/2023 & CM APPL. 21377/2023
GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ANR.PetitionersThrough: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh, Ms.
Aliza Alam and Mr. Mohnish
Sehrawat, Advs.

versus

DEEP CHAND & ORS.Respondents

Through: Mr. M. K. Bhardwaj,
Ms. Priyanka M. Bhardwaj and
Mr. Praveen Kumar Kaushik,
Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed challenging the Order dated 03.02.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2143/2016, titled ***Deep Chand (UDC) & Ors v. Govt. of NCT of Delhi & Ors.***, allowing the O.A. filed by the respondents herein with the following directions:

"We have heard the learned counsels for the parties and gone through the documents on record as also through the various orders passed by the relevant and appropriate authorities. In our view, the core issue stands settled and once the applicants have been given promotion to the post of JE (C) retrospectively, we find no reason why the



order of the redeployment cannot be revised from such a retrospective date. Accordingly, the OA is allowed to the limited extent by giving directions to the competent authority amongst the respondents to review and revise the order of the redeployment of the applicants by giving them the benefits of equivalent post in DASS Grade-II w.e.f. from the date they have been promoted to the post JE(C). Needless to say that the applicants shall be entitled to claim all the consequential benefits, however, strictly on notional basis and without claim of any arrears. The aforesaid directions shall be complied with as expeditiously as possible, certainly not later than eight weeks from the date of receipt of a copy of this order.”

2. The limited challenge of the petitioners to the Impugned Order is that the respondents were appointed as Work Assistants in the Delhi Energy Development Agency (hereinafter referred to as ‘DEDA’), an autonomous body, on 09.06.1993 in the pre-revised pay scale of Rs. 950–1500. They were illegally promoted to the post of Junior Engineer by DEDA by orders passed subsequently and with retrospective effect, despite DEDA having been wound-up, in 1997. Based on such unlawful and irregular promotion, the respondents could not have claimed an equivalent pay scale upon their redeployment after being declared surplus on the closure of DEDA.

3. On the other hand, the learned counsel for the respondents submits that the respondents had been promoted to the post of Junior Engineer in DEDA with effect from June 1996, pursuant to an Order dated 13.03.2014 passed by the learned Tribunal in T.A. No. 133/2007, titled ***Deep Chand & Ors. v. The Govt. of National Capital Territory of Delhi & Ors.*** In due implementation of the said Order,



the respondents were promoted to the post of Junior Engineer *vide* Office Order dated 07.05.2015 with effect from 17.06.1996. Even in response to the representations made by the respondents, the petitioners, in their letter dated 10.08.2015, did not deny the promotions having been granted with effect from June 1996 nor stated that the same was illegally granted to the respondents. On the other hand, they contended that the same would have no bearing on the emoluments of the respondents upon redeployment.

4. He submits that this was challenged by the respondents in the above O.A., and the learned Tribunal accepted the contention of the respondents that, in view of the promotion granted to them to the post of Junior Engineer, they were entitled to the same pay scale upon their redeployment.

5. The learned counsel for the respondents further draws our attention to the Order dated 23.09.2016 passed by this Court in LPA No. 1253/2007, titled ***Govt. of NCT of Delhi v. Deep Chand & Ors.***, wherein the petitioners had also accepted that the respondents stood promoted to the post of Junior Engineer with effect from June 1996.

6. We have considered the submissions made by the learned counsels for the parties.

7. As noted hereinabove, the limited challenge of the petitioners to the Impugned Order passed by the learned Tribunal is that the respondents had been illegally granted promotion by DEDA to the post of Junior Engineer with effect from June, 1996.

8. We do not find any merit in the said submission.

9. By the Order dated 13.03.2014 passed by the learned Tribunal



in TA No. 133 of 2007, the learned Tribunal considering the claim of the respondents for promotion to the post of Junior Engineer, directed as under:

“11. In view of the aforementioned, taking a holistic view, we dispose of the present TA with direction to the respondents to grant the applicants the pay scale of Rs.1200-2040 from the date of their appointment as Work Assistants on regular basis and to examine the circumstances in which their promotion to the post of Junior Engineer was recommended on 17.6.1996 In the absence of any plausible cause or reason to not implement the recommendation of the said DPC, the same would be implemented and consequential benefits would be given to the applicants, No costs.”

10. In compliance with the said Order, DEDA/Mahatma Gandhi Institute for Combating Climate Change, by an Order dated 07.05.2015, granted promotion to the respondents to the post of Junior Engineer with effect from 17.06.1996.

11. Based on such promotion, the respondents represented to the petitioners for grant of equivalent pay scale on their induction with the petitioners.

12. The said representation, however, was rejected by the petitioners, not disputing that the respondents had been promoted to the post of Junior Engineer with effect from June 1996, but claiming that the same could have no effect on the pay scale granted to the respondents upon their re-induction.

13. In fact, the promotion granted to the respondents with effect from June 1996, was also accepted by the petitioners when they did



not further press their appeal, that is, LPA No. 1253/2007 referred to hereinabove, which was ultimately disposed of by this Court *vide* its Judgment dated 23.09.2016, observing as under:

“Learned counsel for the respondents has stated that the respondents would not rely upon the impugned judgment passed by the single Judge to claim any relief as the respondents were promoted as Junior Engineers in the pay scale of Rs.5000-8000 in June, 1996. In other words, the respondents state that they would forego their claim for the higher pay scale of Rs.5000-8000 from January, 1996 till June, 1996. The statement made by the counsel for the respondents is taken on record.

In view of the statement made by the learned counsel for the respondents, counsel for the appellant states that he would not press the present appeal. Accordingly, the appeal is disposed of. We clarify that this Court has not expressed any opinion on merits and in case a similar issue arises, it will be open to the appellant to challenge and question the submissions made by the writ petitioner/employee on merits.”

14. In view of the above, the challenge of the petitioners to the promotion granted to the respondents to the post of Junior Engineer cannot now be accepted or allowed to be even raised.

15. Accordingly, we find no merit in the present petition. The same, along with the pending application, is accordingly dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 13, 2025/b/Rm/ik