



2025:DHC:10949-DB



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

Date of decision: 03.12.2025

+ W.P.(C) 12866/2023 & CM APPL. 50680/2023

THE SECRETARY, MINISTRY OF HOUSING AND
URBAN AFFAIRS & ORS.Petitioners

Through: Mr.Gaurav Sharma, SPC with
Mr.Siddhartha Nagpal,
Mr.Sachin Singh & Ms.Lipika
Chawla, Advs.

versus

DESH RAJ RANA & ORS.Respondents

Through: Ms.Aanchal Anand, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 28.09.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.1809/2019, titled ***Desh Raj Rana & Ors. v. The Secretary, Ministry of Urban Development & Ors.***, whereby the learned Tribunal allowed the said O.A. filed by the respondents herein with the following directions:

"6. In the light of this discussion and the facts and circumstances detailed above, the present Original Application is allowed and the respondents are directed to grant the benefit of



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ACP as per the entitlement of the applicants within the period of eight weeks of receipt of copy of this order. The applicants shall also be entitled, during this period, to receive the arrears of salary which may accrue to them subsequent to the re-fixation of their pay pursuant to this order. However, they shall not be entitled to claim any interest on such a payment.”

2. While passing the Impugned Order, the learned Tribunal placed reliance on the Order dated 19.05.2011 passed by the learned Tribunal, Chandigarh Bench in O.A.No.24-HP/2010, titled ***Lekh Ram Verma v. Union of India & Ors.***, which was affirmed by the High Court of Himachal Pradesh *vide* its Judgment dated 16.12.2015 in CWP No. 1646/2012.

3. Although, the learned counsel for the petitioners submits that the learned Tribunal, Chandigarh Bench and the High Court of Himachal Pradesh failed to appreciate various aspects of the matter and placed reliance merely on certain information obtained by the applicants therein under the Right to Information Act, 2005, we are of the view that since the said order has already been implemented *qua* the applicants in that case, the respondents herein, being similarly situated to the applicants therein before the learned Tribunal, Chandigarh Bench, cannot be discriminated against merely because the two litigations have taken different trajectories.

4. Therefore, in the peculiar facts of the present case, we do not deem it appropriate to interfere with the Impugned Order in the exercise of our powers under Article 226 of the Constitution of India.



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We, however, make it clear that the present order shall not be treated as a precedent.

5. The present petition and the accompanying application are, accordingly, dismissed.

6. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 3, 2025/Arya/DG