



2025:DHC:10205-DB



\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 17.11.2025***+ **W.P.(C) 9620/2024 & CM APPL. 39479/2024**
GOVT OF NCT OF DELHI AND ORSPetitionersThrough: Mrs.Avnish Ahlawat, SC for
GNCTD (Services) with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam and
Mr.Mohnish Sehrawat, Advs.

versus

SH MOHINDER SINGH LOHIA AND ORSRespondentsThrough: Mr.M. K. Bhardwaj and
Mr.Praveen 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 by the petitioners, challenging the Order dated 05.12.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 237/2018, titled ***Mahinder Singh Lohia v. Govt. of NCT of Delhi & Ors.***, whereby the learned Tribunal allowed the O.A. filed by the respondents herein and directed the petitioners to implement the Order dated 15.09.2009 passed in O.A. No. 169/2009, which was upheld by this Court *vide* Judgment dated 01.07.2013 passed in W.P.(C) 2641/2010.



2. The petitioners have assailed the Impugned Order contending that, in the subsequent Judgment of the Supreme Court in ***Secretary, Government (NCT of Delhi) & Ors. v. Grade-I DASS Officer's Association & Ors.***, (2014) 13 SCC 296, the Supreme Court clarified that where the promotional grade is in the same pay scale, the employee is entitled only to one increment under FR-22 and not to a higher pay scale. The petitioners contend that in view of the said Judgment, the pay of the respondents was reworked, and their pay was re-fixed *vide* Order dated 15.09.2017.

3. The learned counsel for the petitioners submits that, therefore, the learned Tribunal has erred in allowing the above O.A.

4. On the other hand, the learned counsel for the respondents submits that, as far as the respondents are concerned, the matter stood concluded with the Judgment of this Court in W.P.(C) 2641/2010, which was never challenged by the petitioners. He submits that the said Judgment was, in fact, implemented by the petitioners *vide* Order dated 06.02.2016 and 17.02.2016. Therefore, the fixation of pay could not have been re-opened by the petitioners.

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

6. In the present case, as the Judgment in favour of the respondents stood implemented by the petitioners and was never challenged, we are of the view that merely because of the subsequent Judgment passed by the Supreme Court, the petitioners could not have re-opened the case of the respondents.

7. In the peculiar facts of the present case, therefore, we refuse to



2025:DHC:10205-DB



interfere with the Order passed by the learned Tribunal.

8. We, however, clarify that the benefit of this Order shall be confined only to the respondents.

9. The petition, along with the pending application, is disposed of in the above terms.

10. There shall be no orders as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 17, 2025/sg/DG