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

\+ W.P.(C) 12854/2025

RAKESH SINGH RANA & ORS. .....Petitioners
Through: Mr. Mukesh M. Goel & Mr. S.P. Dubey, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD .....Respondent
Through: Mr. Anuj Chaturvedi, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 24.09.2025

1. By way of the present writ petition, under Article 226 of the Constitution, the petitioners, twenty in number, who have retired from the services of the respondent – Delhi Urban Shelter Improvement Board ["DUSIB"], seek the benefit of one notional increment, which became due to them on the day following their date of retirement, for the purpose of computation of pension.

2. I have heard Mr. Mukesh M. Goel, learned counsel for the petitioners, and Mr. Anuj Chaturvedi, learned counsel for DUSIB.

3. At the outset, Mr. Goel submits that the entitlement of the petitioners to enhanced pension, computed on the basis of one notional increment, stands established by the judgment of the Supreme Court in *KPTCL v. C.P. Mundinamani* [(2023) 14 SCC 411] [hereinafter "*C.P. Mundinamani*"], as further clarified by the orders dated 06.09.2024 and 20.02.2025 passed in *Union of India & Anr. v. M. Siddaraj* [Civil Appeal

No. 3933/2023 and connected matters; decided on 19.05.2023] [hereinafter "*M. Siddaraj*"].

4. In *C.P. Mundinamani*, the Supreme Court reconciled divergent views of various High Courts, and held that an employee who retires on the day immediately preceding the date on which his/her annual increment falls due, is also entitled to the benefit of a notional increment. The Court reasoned that the annual increment is a right earned on account of services rendered with good conduct during the preceding year.

5. The question of extending the aforesaid principles to persons who were not parties before the Court in *C.P. Mundinamani*, was considered in *M. Siddaraj*. By an interim order dated 06.09.2024 in *M. Siddaraj* [Misc. Appl. Diary No. 2400/2024], the Supreme Court laid down four principles, as follows:

> "***(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.***
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> *(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.*
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> *(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.*
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> *(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.*"
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> [Emphasis supplied.]

6. The aforesaid Clause (d) was modified on 20.02.2025 to the following extent:

> "*We are inclined to dispose of the present miscellaneous applications directing that Clauses (a), (b) and (c) of the order dated 06.09.2024 will be treated as final directions. We are, however, of the opinion that Clause (d) of the order dated 06.09.2024 requires modification which shall now read as under:*
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> > *"(d) In case any retired employee filed an application for intervention/impleadment/writ petition/original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed."*
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> ***Further, clause (d) will not apply to the retired government employee who filed a writ petition/original application or an application for intervention before the Central Administrative Tribunal/High Courts/this Court after the judgment in "Union of India & Anr. v. N. Siddaraj", as in such cases, clause (a) will apply****."*
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> [Emphasis supplied.]

7. The petitioners claim under Clause (a) of those directions, i.e., they claim benefit of enhanced pension payable on or after 01.05.2023.

8. By an order dated 25.08.2025, Mr. Chaturvedi was requested to take instructions regarding the applicability of these decisions to the petitioners' case.

9. Without entering into any factual controversy, Mr. Chaturvedi, upon instructions, submits that DUSIB's position is that the aforesaid judgments apply only to post 01.05.2023 retirees. In support of this

position, he relies on Clause (a) of the directions issued in *M. Siddaraj*.

10. A plain reading of Clause (a) itself indicates that DUSIB's interpretation is untenable. There could be no question of paying enhanced pension prior to April 2023, or of pension payable on or after 01.05.2023, if the judgment were intended to apply only to those who retired on or after 01.05.2023. If an employee had not retired before 01.05.2023, the question of paying pension, enhanced or otherwise, would not arise at all. I am, therefore, of the view that this interpretation is misconceived.

11. As no other ground has been urged by DUSIB to resist the relief sought, it is directed that the petitioners, who retired one day prior to the date on which their next increment would have become due, will be granted the benefit of one notional increment for the purpose of computation of pension, payable on or after 01.05.2023.

12. Mr. Chaturvedi submits that the factual entitlement of each petitioner is yet to be examined by DUSIB. Accordingly, DUSIB is permitted to undertake this exercise. In the event of any impediment to a petitioner's claim, the concerned petitioner will be informed within six weeks from today, failing which, the arrears of pension payable to the petitioners will be released within three months from today, along with interest at the rate of 6% per annum.

13. The writ petition, alongwith pending application, stands disposed of.

PRATEEK JALAN, J

SEPTEMBER 24, 2025/*'pv/sd'/*