



2025:DHC:11549-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 15.12.2025***

+ W.P.(C) 18968/2025

CENTRAL PROVIDENT FUND COMMISSIONER

.....Petitioner

Through: Mr. Shashank Manish, Ms.
Nidhi Sahay, Mr. Shubham
Ranjan, Mr. Ritansh Kr. Nand,
Ms. Pragati, Singh, Advs.

versus

SH ALI ROSHAN & ANR.

.....Respondents

Through: Mr. Puneet Rathi with Mr.
Rahul Verma, Advs. for R-1.
Mr. Piyush Beriwal and Mr.
Krishna Kumar Shukla, Advs.
for R-2.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)****CM APPL. 78975/2025 (Exemption)**

1. Allowed to subject, in all just exceptions.

W.P.(C) 18968/2025 & CM APPL. 78974/2025

2. This petition has been filed challenging the order dated 21.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in O.A. No. 1423/2021 titled ***Sh. Ali Roshan v. Union of India & Anr.***, allowing the O.A. filed by the respondent herein, with the following directions:



*“10. In the result, the present OAs are allowed in the following terms: (i) The impugned orders in all these OAs are quashed and set aside; (ii) The respondents are directed to grant the benefit of the order of this Tribunal in the case of **RajKumar** (supra) to the applicants in these OAs and accordingly, revise their pension; (iii) However, we make it clear that arrears of pay on revision of their pay may be restricted only for a period of three years prior to the date of filing of the present OAs; and (iv) The aforesaid exercise shall be complied with by the respondents within a period of three months from the date of receipt of a certified copy of this Order.”*

3. The brief facts which gave rise to the above O.A. have been summarised by the learned Tribunal in Paragraphs 3.1 to 3.5 of the interim order. To further summarise the same, the respondent, who was working at the post of Enforcement Officer since 26.08.1993, was promoted on an *ad hoc* basis to the post of Assistant Provident Fund Commissioner on 03.11.2010. He was promoted on a regular basis to the said post on 12.11.2012. Claiming that for the Senior Time Scale, his *ad hoc* service should also be counted in terms of the Judgment of this Court in **Employees Provident Fund Organization & Anr. v. Rajkumar** 2019:DHC:6366-DB, the respondent filed the above O.A.

4. The learned Tribunal, placing reliance on **Rajkumar** (supra), has allowed the O.A. with the above quoted directions. The learned Tribunal in its Impugned Order has observed as under:

“11.1 Same is the situation in the present cases as well. Further the applicants of OA No.1899/2018 have completed requisite 5 years of service in the post of APFC in 2004 to be eligible for promotion to the post of RPFC-



It is as is evident from the chart prepared above but due to dispute regarding seniority was agitated by certain aggrieved employees as noted above and due to admission of delay in holding the DPCs, the applicants of the said OA 1899/2018 also did not get their legitimate promotion at the time when they were in service, had the DPCs been convened at the relevant point of time, they would have got the promotion to the post of RPFC-11.

*9. Keeping in view the aforesaid observations of the Hon'ble Supreme Court and the admitted fact that the cases of the applicants in all these cases are squarely covered by the order of this Tribunal in **Rajkumar's** case (supra) upheld by the Hon'ble Delhi High Court (supra) as also implemented by the respondents and this attained finality. At this stage, it is apt to mention that respondent being a model employer, although knew that the cases of the applicants in these cases are squarely covered but they have not taken any action to grant the benefit of the said order of this Tribunal in **Rajkumar's** case (supra) to other similarly situated employees like the applicants herein. It is also pertinent to mention that the Hon'ble Supreme Court in catena of cases included in the case of **Arvind Kumar Srivastava** (supra) on which reliance has been placed by the respondents' counsel, the Supreme Court has in paragraph 22.3 has stated -that the delay and laches shall not be applicable in those cases where the judgment pronounced by the High Court was in rem, with an intention to give the benefit to all similarly placed persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to extend the benefit thereof to all similarly placed persons, as the applicants in all these OAs are retired employees and have been denied their legitimate right to get the STS as admittedly due to delay on the part of the respondents in convening the DPCs in this*



*regard. We are of the considered view that the instant OAs deserve to be allowed in terms of decision of this Tribunal in **Rajkumar** (supra)."*

5. The learned counsel for the petitioner submits that the learned Tribunal has erred in placing reliance on the Judgment of this Court in **Rajkumar** (supra) inasmuch as this Court had specifically clarified that the said Judgment is on the peculiar facts of the said case. He submits that, therefore, the Judgment of this Court was not a binding precedent for other cases.

6. He further submits that in **Rajkumar** (supra), the respondent therein, was in the panel of 2008-09 or 2009-10 and had been appointed on an *ad hoc* basis much prior to the respondent herein. He submits that, therefore, the facts of the case were also entirely different and could not have been mechanically applied for the case of the respondent.

7. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that having been appointed as an Enforcement Officer in the year 1993, the respondent was entitled for his promotion to the post of APFC somewhere in 2001. However, the regular DPCs were not held between the period 2004 to 2011, because of which the promotion of the respondent was delayed and despite the availability of regular vacancies, he was granted only *ad hoc* promotion to the post of APFC on 03.11.2010. It is pursuant to the DPC being held subsequently that the respondent was given regular promotion in the year 2012.

8. Placing reliance on Paragraph 14 of the Judgment of this Court



in **Rajkumar** (supra), he submits that the facts of **Rajkumar** (supra) and the respondent are identical and therefore, there is no reason why the same benefit could not have been extended to the respondent.

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

10. It is not disputed that at the time when the respondent was promoted, *albeit* on an *ad hoc* basis, to the post of APFC on 03.11.2010, there were regular vacancies available for the said post. It is also not disputed that regular DPCs for the promotion to the post of APFC could not be held between 2004 to 2011 *albeit* because of certain litigations that were pending *vis-à-vis* the seniority list. Be that as it may, once the respondent has been appointed on an *ad hoc* basis, though towards regular vacancies, the facts of the case of the respondent were identical to that of **Rajkumar** (supra), which case was decided by this Court by the above referred Judgment.

11. We, therefore, find no infirmity in the order passed by the learned Tribunal.

12. This writ petition is, accordingly, dismissed. The pending applications also stand disposed of.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 15, 2025/prg/k/as