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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12596/2018**
BHOJ PRAKASH AND ORS.Petitioners
Through: **Mr. T. D. Yadav, Adv.**

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: **Mrs. Avnish Ahlawat, SC with**
Mr. Nitesh Kumar Singh, Ms.
Aliza Alam and Mr. Mohnish
Sehrawat. Advs.

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

ORDER

% **13.10.2025**

1. This petition has been filed, challenging the Order dated 04.05.2016 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3597/2011, titled ***Bhoj Prakash & Ors. v. Lt. Governor of Delhi, Govt. of N.C.T. Delhi & Ors.***, whereby the learned Tribunal partially allowed the said O.A. filed by the petitioners herein, with the following directions:

- "1. On the strength of the promotion order dated 22.10.2008; the pay of the applicants shall be notionally fixed from the date they have been adjusted against the available vacancies.*
- 2. They will be entitled to consequential pensionary benefit by counting aforesaid pay fixation.*
- 3. The applicants will not be entitled to any financial benefit of differential of salary between post of Vice Principal and Principal*



for the period they were holding the charge of Principal or have been discharging the duties.”

2. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the petitioners in the above O.A had *inter alia* prayed for the following:

“(yi) To direct the respondents to grant selection scale to the eligible applicant in terms of the CAT order dtd. 10th Nov., 2010 in OA No. 367/2010 in the matter of Sh. V.P. Singh vs. Govt. of NCT of Delhi & Ors. which has been implemented by the respondents has therefore assumed finality.”

3. He submits that though the learned Tribunal took note of the above prayer in the Impugned Order, however, has not adjudicated upon the same and has confined its relief to the petitioners only to the notional fixation of pay and consequential financial benefits from the date they have been adjusted against the available vacancies.

4. The learned counsel for the respondents submits that though, the petitioners are not entitled to the grant of the relief of selection scale, however, fairly admits that this aspect has not been considered by the learned Tribunal in its Impugned Order.

5. In the view of the above, we have no option but to remand the matter back to the learned Tribunal for adjudication of the above prayer of the petitioners.

6. We make it clear that as the petitioners are not challenging the relief which has already been granted to the petitioners by the learned Tribunal, and the same has also not been challenged by the respondents and, in fact, it is stated that it has been implemented by



the respondents, the same shall continue to operate. The remand will be limited only to the prayer (vi) of the petitioners, as mentioned hereinabove.

7. The O.A. is restored back to its original number before the learned Tribunal for this limited adjudication.

8. The parties shall appear before the learned Tribunal on 17th November, 2025.

9. Keeping in view that the O.A. is of the year 2011, we request the learned Tribunal to decide the above prayer of the petitioners within a period of three months from the first listing before it.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 13, 2025/b/P/ik