

(2021) 09 DEL CK 0207

In the Delhi High Court

Case No : Civil Writ Petition No. 10804, 10805, 10806, 10807, 10808, 10809, 10810, 10810, 10813, 10814, 10815, 10816, 10817, 10818, 10851 Of 2021

Krishan Kumar Dabas

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 24-09-2021

Acts Referred:

Central Civil Services (Revised Pay) Rules, 2016 — Rule 5

Citation : (2021) 09 DEL CK 0207

Hon'ble Judges : Manmohan, J;Navin Chawla, J

Bench : Division Bench

Advocate : Saahila Lamba, Archana Gaur, Ridhima Gaur, Anil Dabas, Mukesh Sachdeva, Pushplata Singh

Final Decision : Disposed Of

Judgement

Manmohan, J

1. Present writ petitions have been filed seeking directions to the Respondents to treat the date of promotion of petitioners to the rank of Sub-Inspector (Ministerial) as 17th May, 2016 i.e. date when promotion of the petitioners to said rank was released for purposes of pay fixation and to thereafter fix pay of the petitioners on said basis in accordance with Central Civil Services (Revised Pay) Rules, 2016 notified on 25th July, 2016 together with payment of arrears.

2. Learned counsel for the petitioners states that the Petitioners, who were working as Assistant Sub-Inspector (Ministerial), were released for promotion to the rank of Sub-Inspector (Ministerial) in the pay band of Rs.9300-34800 with Grade Pay of Rs.4200/- vide order dated 17th May, 2016. She states that due to some administrative delay, the Petitioners were relieved from their place of posting and thereafter assumed charge of their promoted rank of Sub-Inspector after a delay of several months from the date of their promotion. She states that as of now petitioners have been considered promoted from the date they

assumed charge of the promoted rank for purposes of pay fixation.

4. She relies on the judgment dated 1st April, 2019 of this court in Vijayan VV vs. Union of India & Ors W.P. (C) No.4448/2016 and other connected matters where under similar facts the Court held that it was not fair to deprive the Petitioners of the monetary benefits on account of the delay in their joining as ASI (Ministerial/Clerical) which was not attributable to any omission on the part of the Petitioners, but was caused due to the Respondents delaying the issue of relieving orders. She states that due to the petitioners not getting benefit of proviso to Rule 5 of Central Civil Services (Revised Pay) Rules, 2016 the petitioners have started drawing lesser salary than their juniors, which is impermissible under service law.

5. She lastly states that the representations filed by the petitioners have not been disposed of till date.

6. Keeping in view the aforesaid fact, this Court disposes of the present batch of matters by directing the DIG (Organisation), CRPF to treat the present writ petitions as representations and to decide the same in accordance with law by way of a reasoned order within twelve weeks. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.