



2024:DHC:8431-DB

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

+ **W.P.(C) 5756/2019**

SH. R.S. MEENA

.....Petitioner

Through: **Mr. Mukesh Kumar Gupta,**
Advocate

Versus

**NORTH DELHI MUNICIPAL CORPORATION
AND ORS.**

.....Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AMIT SHARMA**

% **ORDER**
22.11.2024

REVIEW PETITION 430/2024

1. This Review Petition, at the instance of the petitioner in the writ petition, seeks review of the judgment dated 15 October 2024 passed by us in WP(C) 5756/2019.

2. Mr. Mukesh Kumar Gupta, learned Counsel for the review petitioner, submits that the finding of this Court that the petitioner is not entitled to revision of his pay on the ground that he was asked to hold additional charge of the post of Deputy Commissioner, as the



clause of FR 49 which applies in his case is clause (v) and not (i), would stand in his way in urging before the Tribunal the prayer for stepping up of pay on the ground that his junior had been paid a higher scale. He submits that the respondent had in fact granted his client the benefit of FR 49 (i) by order dated 21 December 2021.

3. The writ petition specifically seeks grant of pay to the petitioner in the post of Deputy Commissioner with effect from 15 September 2006 or with effect from 12 April 2007 on the ground that the petitioner was asked to discharge current duty charges of the said post from those dates. If, in fact, Mr. Gupta's contention is that during the course of proceedings in the writ petition, the petitioner ought to have either amended the writ petition or withdrawn the writ petition at that stage.

4. Mr Gupta submits, at this stage, that, instead of any decision on his entitlement to the said scale being returned on merits, which may affect the actual grant of benefits to his client, he may be permitted to withdraw the writ petition itself and that the judgement under review may be modified accordingly.

5. Restricted to the said request, issue notice on this application, returnable on 5 December 2024.

6. Let notice be served on the respondents through learned Counsel who appeared on their behalf.

7. We make it clear that it is only in view of Mr Gupta's



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submission, as that the petitioner had already been granted the benefit of FR 49(i) by the respondent, and that, therefore, the judgement under review may result in a revisitation of that decision, his client would prefer to withdraw the writ petition itself, that we have issued notice. We are *not inclined* to revisit the impugned order on merits. However, before the petitioner is permitted to withdraw the petition, it would be necessary to have the respondent before us; ergo, this notice.

C. HARI SHANKAR, J.

AMIT SHARMA, J.

NOVEMBER 22, 2024/yg

Click here to check corrigendum, if any