



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

+ **W.P.(C) No. 5581/2018 & CM No. 21739/2018**

ASHOK KUMAR CHOUDHURY & ANR. Petitioners

Through: Ms. Sumita Hazarika, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Arun Bhardwaj, CGSC for R-1
Mr. Rajesh Gogna and Ms. L
Gahgmei, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

23.05.2018

Notice. Mr. Arun Bhardwaj & Mr. Rajesh Gogna, Advocates accept notices on behalf of respondent nos. 1 and 2 respectively.

Heard on interim relief.

In the first round of litigation, this Court vide order of 6th April, 2018 had permitted petitioners to file Representation (Annexure P-1). Accordingly, petitioners had filed Representation (Annexure P-16) against Office order of 30th January, 2018 vide which benefit of first ACP was granted with effect from 23rd August, 2005 in terms of Fifth Pay Commission and in terms of the Sixth Pay Commission stood granted with effect from 1st January, 2006.

The said Representation was also directed against Office Memorandum of 19th February, 2018 vide which petitioners were



intimated that the withdrawal of pay scales is in terms of office order of 30th January, 2018 and in compliance of observations made by the AB Cell of Ministry of Culture.

The Representation filed by petitioners was also directed against Office Memorandum of 15th March, 2018 vide which petitioners' pay was fixed as per Sixth Pay Commission and petitioners were called upon to submit acceptance form of pay fixation in terms of Seventh Pay Commission.

Learned counsel for the petitioners assails impugned order of 15th May, 2018, (Annexure P-2) vide which petitioners' Representation (Annexure P-16) stands rejected.

The challenge to impugned order (Annexure P-2) by petitioners' counsel is on the ground that petitioners have got their first ACP in the pay scale of ₹6500-10500 in the year 2002 whereas impugned order records that they have got it in the scale of ₹5500-9000.

It is pointed out by petitioners' counsel that the pay scale of ₹5500-9000 as per Fifth Pay Commission was effected from 1st January, 2006 and the first respondent erroneously revised it with effect from 29th July, 2003 without any justification.

As per the impugned order, the first ACP was wrongly granted in the pay scale of ₹6500-10500.

Upon perusal of impugned order, I find that it lacks clarity. Counsel for the first respondent seeks eight weeks time to file the counter affidavit. Rejoinder, if any, be filed within two weeks, thereafter.

List on 14th September, 2018.



Till then, no coercive steps be taken against the petitioners.
DASTI.

(SUNIL GAUR)
JUDGE

MAY 23, 2018
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