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

+ **W.P.(C) 797/2017**

UNION OF INDIA & ORS.

..... Petitioners

Through Mr. V.S.R. Krishna, Advocate.

versus

OM PRAKASH VETHIYA AND ORS.

..... Respondents

Through Nemo.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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30.01.2017

CM No. 3676/2017

Exemption application is allowed, subject to all just exceptions.

CM No. 3677/2017

Additional documents are taken on record, subject to all just exceptions.

W.P.(C) No. 797/2017 & CM No. 3675/2017

Issue notice returnable on 19th April, 2017.

Learned counsel for the petitioners submits that the impugned order dated 19th August, 2016 passed in OA No. 3803/2013 passed by the Principal Bench of the Central Administrative Tribunal (Tribunal, for short) re-writes the statutory rules. The object and purpose was to fix a single uniform date for grant of increment. The said rules give benefit, and increment is granted, when an employee has more than six months of service



and has not completed one year. Similarly employees who have less than six months of service have to complete at least one year or more of service so as to ensure grant of increment on 1st July of every year. In case the decision of the Tribunal is to be accepted, the entire purpose and object of fixing a single date for grant of increment would get defeated. He further states that this is not a one-time exercise, as this issue would arise in other cases where promotions are granted in the middle of the year.

There will be stay of the operation of the impugned order dated 19th August, 2016 passed in OA No. 3803/2013 till the next date of hearing.

DASTI.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JANUARY 30, 2017
VKR