



\$~5

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

Date of decision: 10.10.2025

+ W.P.(C) 7419/2023 & CM APPL. 28863/2023

ICMR - NATIONAL INSTITUTE OF CANCER
PREVENTION AND RESEARCHPetitioner

Through: Mr. Jasbir Bidhuri, Adv.

versus

MRS. RAJANI YADAV, MEDICAL SOCIAL WORKER &
ORS.Respondents

Through: Mr. Gaurav Dhingra, Adv. with
Mr. Shashank Singh for R-1 &
3

Mr. Subhash Tanwar, SPC with
Mr. Naveen (GP), Mr. Sandeep
Mishra, Mr. Harshit Deshwal,
Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the Order dated 29.09.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 2771/2022, titled ***Mrs. Rajani Yadav & Ors. v. Union of India & Anr.***, allowing the O.A., filed by the respondents herein with the following directions:

*"6. We have gone through the said order.
While the contention of the learned counsel for
the respondents does deserve consideration*



but in the said communication National Cancer Registry Programme is one of the projects mentioned in which the revised salary structure notified in the communication dated 07.05.2018 would be applicable. This being their own official document, we are not inclined to accept the argument that this revised salary structure shall not be applicable in the case of the present applicants. Accordingly, the respondents are directed to pass appropriate orders revising the consolidated salary of the applicants in terms of the salary notified vide order dated 07.05.2018. The applicants shall be entitled to the arrears of this consolidated salary with effect from the date it has been notified.

7. The aforesaid directions be complied with within a period of four weeks of receipt of copy of this order. The OA stands disposed of in the light of the aforesaid directions. No costs."

2. The petitioner further challenges the Order dated 06.03.2023 passed by the learned Tribunal in RA No. 22/2023 in the above O.A., whereby, the review application filed by the petitioner was dismissed by the learned Tribunal, finding no ground to review the order dated 29.09.2022 being made out. We quote from the Order as under:

"3. A bare perusal of the order sought to be reviewed would indicate that the order has been passed after giving due consideration to the pleadings and submissions, as also the documents on record. Moreover, the letter dated 07.05.2018, which is being relied upon by the review applicants to point out an error of fact has been meticulously discussed in the final order and the submission of the learned counsel for the respondents in the OA qua that order has been adequately reflected."

3. The primary grievance of the petitioner against the Impugned



Order dated 29.09.2022 is that it had been passed by the learned Tribunal on the date of preliminary hearing of the O.A. itself, and without giving any opportunity to the petitioner to file its response to prayer (b) in the O.A. , that is, seeking a direction to revise the consolidated salary of the applicants in terms of Office Order No. 16/107/2008-(2) Admn.II dated 07.05.2018.

4. The learned counsel for the petitioner submits that the learned Tribunal, while granting the said prayer made by the respondents, has observed that the respondents are covered by the communication dated 07.05.2018 issued by the petitioner, inasmuch as the said communication extends the benefit of revision of pay to persons working with the National Cancer Registry Program. He submits that the respondents were, in fact, working under the Setting Up of Population-Based Cancer Registry) project (in short, 'SPBCR'), which was not covered by the Circular dated 07.05.2018 relied upon by the learned Tribunal, for extending the benefit to the respondents.

5. He further submits that, as the petitioner never had the opportunity to file a reply to the O.A., the petitioner, by way of the above review application, approached the learned Tribunal seeking review of the above Order dated 29.09.2022, filing therewith certain documents to substantiate its claim. However, the review was dismissed, observing therein, that the 'pleadings' had been considered by the learned Tribunal, without realizing that, in fact, the petitioner never had an opportunity to file its pleadings in the O.A.

6. On the other hand, the learned counsel for the respondents, drawing our attention to various documents issued by the petitioner,



submits that the learned Tribunal committed no error in holding that the respondents are covered by the Circular dated 07.05.2018, which extends the benefit of revision of pay to persons working under the National Cancer Registry Program. He also submits that the SPBCR is a program under the National Cancer Registry Program and, therefore, person working therein are equally entitled to the revision of pay.

7. We have considered the submissions made by the learned counsels for the parties.

8. It is not denied before us that the Impugned Order dated 29.09.2022 has been passed by the learned Tribunal, without affording an opportunity to the petitioner to file its response to the O.A.

9. The learned Tribunal, in its Order dated 29.09.2022, in fact, itself observes that the contention of the petitioner does deserve consideration. Once the Tribunal found the same, it should have granted an opportunity to the petitioner to file its response to the O.A., and to present its case in full.

10. Whether, the PBCR, in which the respondents had been appointed, was a subset of National Cancer Registry Program and the respondents were entitled to a revision of pay, was a matter to be considered by the learned Tribunal after receiving a response from the petitioner, and could not and should not have been decided in such peremptory manner.

11. We, therefore, set aside the Order dated 29.09.2022 and 06.03.2023 of the learned Tribunal, and restore the O.A., to its original number before the learned Tribunal. The learned Tribunal shall afford an opportunity to the petitioner to file its response to the



prayer (b) made by the respondent in the O.A., and decide it afresh.

12. A plea has also been raised by the petitioner that the National Cancer Registry Program has since been hived off to another institution. While considering the effect of the same in future, in case the respondents are held entitled to the benefit of the Circular dated 07.05.2018 of the petitioner herein, such benefit shall be extended to the respondents notwithstanding such plea till at least the date of hiving off. Whether this benefit is to be extended even thereafter, will be a question to be determined by the learned Tribunal on its own merits.

13. All rights and contentions of the parties shall remain open to be adjudicated by the learned Tribunal.

14. The parties shall appear before the learned Tribunal on 20th November, 2025.

15. The petition, along with pending application(s) is disposed of in above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 10, 2025/prg/RM/VS