



2026:DHC:4143-DB



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

+ W.P.(C) 6279/2026 and CM APPLs. 30880-881/2026

UNION OF INDIA & ORS.Petitioners

Through: Mr Abhishek Yadav SPC, Mr
Kapil Dev Yadav, Advocate

versus

PRASANTA MONDALRespondent

Through: Mr. A.K. Trivedi and Mr.
Yogesh Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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08.05.2026

C. HARI SHANKAR, J.

1. This writ petition is directed against judgment dated 7 April 2025 passed by the Central Administrative Tribunal¹ in OA 758/2024.

2. The disputes relates to pay fixation. The respondents were the applicants before the Tribunal. The Tribunal has allowed the OA following a decision of the Hyderabad Bench of the Tribunal in a litigation relating to the *All India Association of Inspectors and Assistant Superintendents*² and the judgment of the Principal Bench of the Tribunal in *Ghanshyam Vashisht v. Pensions and Pensioners*

¹ "the Tribunal", hereinafter

² *All India Association of Inspectors and Assistant Superintendents Rep by Pitabasa Jena v. Post Telangana Circle* in OA 506/2021 dated 22 July 2021



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*Welfare*³.

3. The petitioner has pointed out, in the writ petition, that the decision of the Hyderabad Bench of the Tribunal had been challenged before the High Court of Andhra Pradesh, which has specifically restricted its applicability to the applicants in that case.

4. It appears that the Tribunal has not noticed this fact. It is not that the Tribunal cannot follow the decision of the High Court of Andhra Pradesh. However, as the High Court of Andhra Pradesh restricted its decision to the applicants in the OA from which that decision emerged, the Tribunal would have to return a positive finding that the applicants before it were identically situated, with reasons therefor.

5. In so far as the decision of the Tribunal in *Ghanshyam Vashisht* is concerned, that matter also travelled to this Court. In the writ petition, the UOI has specifically urged that the facts in *Ghanshyam Vashisht* and the facts in this case are different.

6. The Tribunal has not returned any finding as to why the facts in the present case are identical to those in *Ghanshyam Vashisht* and has merely chosen to follow the decision treating it as a binding precedent.

7. With consent of learned counsel for the parties, therefore, the impugned order is quashed and set aside and the OA stands remanded to the Tribunal for consideration afresh.

³ Judgment dated 2 September 2022 in OA No.2436/2022



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8. We make it clear that this order does not return any findings on the merits of the matter.
9. All aspects of fact and law would be open to be urged before the Tribunal.
10. To expedite matters, let the parties appear before the Tribunal on 21 May 2026.
11. Neither side would seek any adjournment on that date.
12. The writ petition is disposed of accordingly.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 8, 2026/yg