



2025:DHC:260-DB



\$~2 & 3 (SPL. DB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM APPL. 3055/2025, CM APPL. 3056/2025, CM APPL.
3057/2025 & REVIEW PET. 28/2025 IN W.P.(C) 6587/2015

UNION OF INDIA AND ORS.Petitioner
Through: Mr. Subhash Tanwar, CGSC
with Mr. Sandeep Mishra and Mr. Ashish
Choudhary, Advocates for UOI.
Mr. Sushil, Senior Panel Counsel for UOI.

versus

SUBHASH KUMAR GHOSH AND ORS.Respondents
Through: Ms. Sumita Hazarika and Ms.
Masi Mehta, Advocates.

+ CM APPL. 3058/2025, CM APPL. 3059/2025, CM APPL.
3060/2025 & REVIEW PET. 29/2025 IN W.P.(C) 4948/2016

UNION OF INDIA & ORS.Petitioner
Through: Mr. Subhash Tanwar, CGSC
with Mr. Sandeep Mishra and Mr. Ashish
Choudhary, Advocates.

versus

ARUP KUMAR PATRA & ANRRespondents
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER (ORAL)

17.01.2025

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C. HARI SHANKAR, J.

1. After hearing Mr. Sandeep Mishra, learned Counsel for the Union of India, as the review petitioner, at some length, we find that



the only substantial case that he has raised is that there are divergent views with respect to whether the financial upgradation granted to the respondents in the present case would be liable to be treated as a promotion or as a mere financial upgradation.

2. This Court has, in the judgment under review, concurred with the Central Administrative Tribunal¹ in its view that it can only be treated as a mere financial upgradation. *Inter alia*, in arriving at the said decision, the Court has relied on the judgment of the Madras Bench of the Tribunal in the case of one V. Venkataraman, which was upheld by the High Court of Madras, and the Patna Bench of the Tribunal in the case of one Binit Kumar Verma, also upheld by the High Court Patna, against both of which decisions Special Leave Petitions stand dismissed by the Supreme Court.

3. Neither does the review petition assert, nor does Mr. Mishra contend, on facts, that the applicants before the Tribunal in the present case were situated differently from V. Venkataraman or Binit Kumar Verma. No attempt has been made, by Mr Mishra, to distinguish the said decisions.

4. Mr. Mishra's only contention is that there are divergent decisions on this issue.

5. That, in our considered opinion, cannot constitute a ground for review of our judgment.

¹ "the Tribunal" hereinafter



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6. The review petition is accordingly dismissed. Pending applications also stand dismissed.

C. HARI SHANKAR, J.

GIRISH KATHPALIA, J.

JANUARY 17, 2025

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Click here to check corrigendum, if any