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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 26.11.2025

+ W.P.(C) 2105/2024
BRIJ KISHORE GUPTA THROUGH HIS LEGAL
HEIRS/REPRESENTATIVESPetitioner
Through: Mr.Sourabh Ahuja, Adv.
versus
GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: Ms.Yeeshu Jain, ASC with
Ms.Jyoti Tyagi, Ms.Vishruti
Pandey and Ms.Arпита Goyal,
Adv. along with Mr.B.S.
Rawat, CI/DTTE

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 09.11.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1637/2018, titled *Brij Kishore Gupta Through His Legal Heirs/Representatives v. Govt. of NCT of Delhi through Chief Secretary & Ors.*, to the limited extent that it has restricted the re-fixation of the pay of the petitioner, who is being represented by his legal representatives, only on a notional basis, if he is found entitled and suitable for promotion to the Selection Grade with effect from 10.02.2005. The petitioner also prays for other consequential benefits arising from the same.

2. The learned counsel for the petitioner submits that no reason has been assigned by the learned Tribunal for not granting the actual



benefits to the petitioner. He submits that in similar circumstances, this Court in *Union of India & Anr. v. Dr. Anjum N. Rizvi*, 2022:DHC:3306-DB, had dismissed the petition filed by the respondents herein, observing that there had been no delay on the part of the officer in approaching the learned Tribunal and, therefore, the actual benefits cannot be refused. We quote from the said judgment, as under:-

“24. In the present case, there is no fault attributed to the respondents for delay in consideration of their respective cases. The only reason is that the Board was not constituted within time and that cannot be a ground to deny the promotion from the date the concerned officers became eligible as has been held in Dr. S.K. Murti (supra) and in Vinay Kumar (supra).”

3. On the other hand, the learned counsel for the respondents submits that the petitioner was not entitled to the Selection Grade with effect from 10.02.2005, inasmuch as he did not meet the essential qualifications prescribed by the AICTE.

4. We are afraid that the said submission of the respondents has been rejected by the learned Tribunal in the Impugned Order and it has not been challenged by them. The same has, therefore, attained finality.

5. The only issue to be determined by this Court is whether the learned Tribunal has erred in denying the actual benefits to the petitioner, in case the petitioner is granted Selection Grade with effect from 10.02.2005.



6. In this regard, we may note that the petitioner had approached the learned Tribunal by way of O.A. No. 1637/2018, challenging the Order dated 23.11.2017 passed by the respondents, whereby his claim for grant of Selection Grade had been rejected by the respondents based on the recommendations of the Selection Committee held on 25.10.2017 to reconsider the cases deferred in the meeting held on 05.12.2016. Therefore, there was no delay on the part of the petitioner in approaching the learned Tribunal.

7. In similar circumstances, as noted hereinabove, this Court has upheld the order of the learned Tribunal in which the learned Tribunal had held that the officer shall also be entitled to the arrears of pay.

8. Keeping in view the above, the Impugned Order, only insofar as it restricts the relief granted to the petitioner to be on a notional basis, is hereby set aside. It is directed that in case the Screening Committee finds the petitioner suitable for promotion to the Selection Grade with effect from 10.02.2005, he shall also be entitled to actual arrears of pay for the period, along with all the consequential benefits.

9. The Impugned Order of the learned Tribunal, as modified by this Order, be complied with by the respondents within a period of 8 weeks.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 26, 2025/rv/SJ