

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**C.P. No. 112/2017  
O.A No. 1692/2011**

This the 22<sup>nd</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. Mohinder Singh (Aged about 66 years),  
S/o. Sh. Udey Chand,  
R/o. 5, Harijan Colony, Sawan Park,  
Ashok Vihar,  
Delhi -110 052.

...Petitioner

(By Advocate : Mr. O. P. Gehlaut)

Versus

1. Sh. Hitesh Kumar Makwana,  
Joint Secretary (UT),  
Ministry of Home Affairs,  
Govt. of India,  
Central Secretariat, North Block,  
New Delhi.

2. Sh. M. M. Kutty,  
Chief Secretary,  
Govt of NCT of Delhi,  
Delhi Govt. Secretariat,  
I.P. Estate,  
New Delhi – 110 002.

....Respondents

(By Advocate : Mr. Rajneesh Sharma for R-1 and 2)

**O R D E R (O R A L)****Justice L. Narasimha Reddy, Chairman :**

The petitioner filed O.A 1692 of 2011 feeling aggrieved by the denial of entry grade to him and the consequential fixation of selection grade and other benefits. The O.A was allowed through judgment dated 13.12.2013 directing the respondents to treat the date of appointment of the petitioner is to the entry grade of DANICS against the vacancy of 2001 as recommended by the DPC. Directions were also issued for the consequential benefits arising from the entry of the applicant into the DANICS from 2001. Costs of Rs.15000/- was also awarded.

2. This C.P is filed alleging that the respondents did not comply with the directions issued by the Tribunal. According to the petitioner, apart from being inducted into DANICS with effect from 2001, he is entitled to be put in selection grade against the vacancy of 2010 and though, he was found eligible by the DPC, which met for

this purpose, he was denied the same, on the ground that he retired from service.

3. Respondents filed counter affidavit narrating the steps, which they have taken in compliance with the order of this Tribunal. It is stated that though the applicant was found eligible to be extended the benefit of selection grade, he was not extended the same, in view of the official memo dated 12.10.1998 because he retired from service.

4. We heard Mr. O. P. Gehlaut, learned counsel for petitioner and Mr. Rajneesh Sharma, learned counsel for respondents no. 1 and 2.

5. The main relief granted to the petitioner by this Tribunal in O.A 1692/2011 was his induction into DANICS with effect from 2001. It is not in dispute that the said benefit was extended to the petitioner. The Tribunal thereafter proceeded to direct the extension of consequential benefits. The petitioner contends that the expression "consequential benefits" takes in its fold, the

benefit of the selection grade also. Even the respondents understood it in that manner and his case was considered by the DPC which met in 2012. Though the DPC found him fit, the benefit was denied to him on the ground that he retired on 31.07.2010. Reliance was placed upon the office memo dated 12.10.1998.

6. The question as to whether the denial of selection grade to the petitioner is justified or not, needs to be addressed separately. Things would have been different altogether, had the Tribunal specifically held that the petitioner was entitled to be extended the benefit of selection grade to him, even after his retirement. Therefore, we close this C.P. leaving it open to the petitioner to pursue the remedy vis-a-vis denial of Selection Grade.

(Pradeep Kumar)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

/Mbt/