

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 46069/2023

(Arising out of impugned judgment and order dated 19-05-2023 in RP No. 108/2023 16-12-2022 in WPC No. 3370/2020 passed by the High Court of Delhi at New Delhi)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

GAURAV SINGH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.236019/2023-CONDONATION OF DELAY IN FILING and IA No.236022/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 22-11-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Ms. Aishwarya Bhati, A.S.G.
Ms. Sweksha, Adv.
Mr. K Parameshwar, Adv.
Mr. Apurva Kurup, Adv.
Ms. Chitrangda Rastaravara, Adv.
Mr. Mayank Pandey, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Heard Ms. Aishwarya Bhati, learned ASG appearing for the petitioners. The counsel would read the Office Memorandum dated 31.07.2017 (Annexure P/1) seeking to implement the recommendation of the Seventh Central Pay Commission providing for compensation for housing, to Personnel Below Officer Ranks (PBOs) of Central Armed Police Forces, who are not provided with rent free

accommodation. The said OM provided that the dependents of the employees during their field posting or stay in the Barracks as functional requirement, will be eligible for accommodation anywhere in the country.

The learned ASG points out that the additional benefit was not intended for officers but compensation was provided only for the PBORs. The officers and the PBORs are however categorised together by the High Court to say that a discriminatory treatment is meted out by denying the additional benefit also to the officers, under the OM dated 31.07.2017.

While the Division Bench has spoken of discrimination between the officers and the PBORs to justify the direction given in the impugned judgment dated 16.12.2022, the learned ASG submits that two different categories of personnels i.e., officers and the PBORs are erroneously clubbed alike to justify the direction in favour of the officers. However the OM dated 31.07.2017 which implemented the Seventh Pay Commission Recommendations under Clause 8.7.23, was not intended for those in the officers cadre.

Issue notice, returnable in six weeks. Mr. Ankur Chhibber, learned counsel appears for the respondents by filing Caveat.

In the meantime, the contempt proceedings before the High Court of Delhi (in Cont. Cas(C) 628 of 2023) initiated by the respondents, are stayed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR