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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 11371/2006

4th April, 2013

R.K.GUPTA

..... Petitioner

Through: Mr. Rohit Arya, Sr. Advocate with Mr.
Sunil Singh Parihar, Advocate.

VERSUS

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. R.V.Sinha and Mr. A.S.Sinha,
Advocates for R-1.
Mr. Anip Sachthey, Mr. Mohit Paul, Ms.
Shagun Matta and Mr. Saakaar Sardana ,
Advocates for R-3/Coal India Limited.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not? **Yes**

VALMIKI J. MEHTA, J (ORAL)

1. This writ petition is filed by the petitioner Sh. R.K.Gupta against his employer-respondent no.3-Coal India Limited seeking the relief that the petitioner should be held entitled to pensionary benefits and petitioner should not be confined to him being given the benefit of provident fund.

2. The facts of the case are that the petitioner through UPSC joined the services of the Government of India as an Assistant Coal Superintendent Grade II

in the Coal Department under the Ministry of Production on 19.5.1955. In early 1956, the Government of India set up the office of Coal Production and Development Commissioner (CPDC) under the Ministry of Production. The Management of State Collieries was brought originally under the control of CPDC and thereafter with National Coal Development Corporation Limited (NCDC), the predecessor-in-interest of the respondent no.3. In the services of the respondent no.3 and its predecessor three categories of employees were transferred from the government and its departments. The first category of employees were those Central Government employees who had opted for the Contributory Provident Fund Scheme (in short 'CPF Scheme'). The second category of employees were those employees of the Central Government who had opted for the pension scheme and not the CPF scheme. The third category of employees who joined the respondent no.3 and its predecessor-in-interest were employees of the Railways and who as employees of Railways did not have the benefit of a pension scheme. At the time of joining of the employees with the respondent no.3 and its predecessor, these employees were given an option as to whether they wanted or did not want to be governed by the terms and conditions as Central Government employees. It is not an issue in this case, the same being admitted by the respondent no.3, that the petitioner exercised the option to be governed by the same terms and conditions as was applicable to him as a Central Government

employee i.e petitioner continued to be governed by the terms and conditions as a Central Government employee and as an employee who had exercised the option for CPF scheme and not the pension scheme. The petitioner further pleads that the Central Government thereafter on various occasions from time to time brought out schemes to enable those employees who were governed by the CPF scheme to opt for the pension scheme. The petitioner claims that the employees of the respondent no.3 such as the petitioner, who were 14 in number, were not informed of the Central Government scheme entitling the Central Government employees to switch over from the CPF scheme to the pension scheme. The petitioner claims that though he retired in the year 1986, he came to know about this aspect for the first time only in the year 1991 when the circular of 1.5.1987 of the Central Government to enable employees to change from the CPF scheme to the pension scheme, came to his notice. Petitioner thereafter is said to have made representation to the respondent no.3 vide his representation dated 3.6.1991. In this representation, the petitioner in para-9 specifically mentioned about the fact that unfortunately neither the petitioner nor other persons were offered by the respondent no.3 (or its predecessors) any option for change from CPF scheme to the pension scheme. The petitioner specifically in para-16 of this representation exercised his option for change from CPF scheme to the pension scheme. The respondent no.3 rejected this representation vide its letter dated 14/21.8.1991 by

making reference to the letter dated 27.11.1990 of the Ministry of the Energy, Department of Coal, Government of India. Though the petitioner appears to have done nothing by any specific written representation from the year 1991 to 1999, it is contended that the petitioner kept on following up the matter to enable him to get the benefits of the pension scheme by exercising of the option. The records of this case show that the petitioner was successful in making the Committee of the Lok Sabha take note of his condition, and, the Committee of the Lok Sabha vide its note in the 14th Report of the Lok Sabha Committee on Petitions dated 18.3.2000 redressed the grievance of the petitioner inasmuch as, the claim of the petitioner was directed to be considered afresh. The following are the relevant observations of the Committee of the Lok Sabha:-

“1.35 The Committee are informed that the CIL had obtained the opinion of Additional Solicitor General of India in the matter, who had also opined that the claim made after a long interval of time is barred by time and need not be entertained. In this context, the representatives of the Ministry of Personnel, Public Grievances and Pension have assured the Committee at the time of oral evidence that the case of Shri R.K.Gupta would be reviewed on the specific issue that had he applied within time whether he would have been considered eligible or not for the option for Liberalised Pension Scheme. The Committee, therefore, recommended that the claim of the petitioner may be examined afresh and the option for Liberalised Pension Scheme may be given to him based on the Presidential Order No.C6-14(43)/63 dated 16.8.1965. This matter may be re-examined in 3 months from the date of presentation of this Report of the House.”
(underlining added)

3. Finally, it appears that the petitioner's representation was rejected in July, 2003 whereafter he approached the National Human Rights Commission (NHRC) for redressal of his grievances. NHRC ultimately dismissed the petition in 2005 saying that it had no jurisdiction in such matters. The present petition in this Court thereafter came to be filed in the year 2006.

4. In sum and substance what the petitioner claims is that since at the time of joining the respondent no.3/its predecessors he had exercised the option to be governed by the terms and conditions of a Central Government employee, the rules and regulations which changed from time to time thereafter, including the scale of pay and the other benefits of Central Government employees, would continue to govern the petitioner's services. Extension of this contention is that if the Central Government entitles its employees on subsequent dates after the petitioner joined the respondent no.3/its predecessors, to change from CPF scheme to a pension scheme, even then petitioner could exercise the option to change from the CPF scheme to pension scheme. In this regard, great stress is laid on behalf of the petitioner to the language of the clarification given by the respondent no.3/its

predecessor itself dated 26.11.1965, and which has been filed as Annexure P-3 to the petition. Para 3 of this circular is relevant and the same reads as under:-

“3.Regarding protection to the extent of **future** revision of pay scales and allowances, liberalization of service conditions, amendment of rules etc. made by the Government to these Ex. Coal Production and Development Commissioner’s employees who will opt for service with NCDC Ltd., attention is invited to para 2 of the option letter which is quite clear on this point. It provides that the NCDC will take these employees in their employment with effect from 01.10.1956 on the same tenure, same remuneration, the same seniority, the same terms and conditions and same rights and privileges as to his pension, leave gratuity, provident fund and other matters as would have been admissible to them had they continued in the Government service. This means that these benefits would automatically be admissible to them **as and when** these are provided to Government employees.”

(Emphasis added)

5. It is argued on behalf of the petitioner that the expressions “future” and “as and when” as found in the aforesaid circular leaves no manner of doubt that the prospective changes in the rules would also apply to the persons such as the petitioner in their amended form i.e it is contended that once the Central Government employees are given an option of conversion from CPF scheme to pension scheme, even then the petitioner and similarly situated persons could also exercise the option of conversion from CPF scheme to pension scheme, and for that purpose it was mandatory for the employer/respondent no.3 to bring the notice of the entitlement to exercise the option to convert from CPF scheme to pension

scheme to the petitioner and other similarly situated 13 persons. It is contended that the respondent no.3 having failed to do so, cannot take away the right of the petitioner to exercise the option as soon as the position came to the notice of the petitioner that Central Government employees could have in terms of the circulars issued by the Central Government from time to time exercise option to convert from the CPF scheme to the pension scheme.

6. On behalf of the respondent no.3 stress has been laid on two main aspects. The first aspect is that the petition is barred by delay and laches. Reliance for this purpose is placed upon the judgment of the Supreme Court in *Union of India & Ors. Vs. M.K.Sarkar (2010) 2 SCC 59*. To buttress the argument of delay and laches, it is argued that the petitioner having enjoyed the benefit of the lumpsum provident fund amount which he received on retirement, cannot be allowed to simply return that amount with interest and now claim huge arrears of pension as also further pensionary benefits till his life time. It is argued that if this is permitted, a huge financial liability will be thrown upon the respondent no.3. The second point which is urged on behalf of the respondent no.3 is that the petitioner having exercised an option to be governed by the Central Government rules, he is to be governed only by those rules which existed in 1956 when the petitioner joined the respondent no.3/its predecessor, and the petitioner cannot be allowed to

urge that if the Central Government of India subsequently changes its rules and regulations or service conditions, then the changed conditions will also apply to persons such as the petitioner who have ceased to be the Central Government employees after their having joined the respondent no.3-organization.

7. So far as the first aspect as to whether petitioner will be governed by those terms and conditions being the Central Government rules and regulations including the scale of pay and monetary benefits as were applicable only in the year 1956 or the petitioner will be governed by the subsequently changed service conditions after 1956, in my opinion, the clarification given by the respondent no.3/its predecessor NCDC by its circular dated 26.11.1965 clinches the issue in favour of the petitioner. Para 3 of this circular which has been reproduced above quite clearly shows that the persons such as the petitioner who opt to join the respondent no.3/its predecessor, will not only be governed by the terms and conditions as existing when such employees joined the respondent no.3/its predecessor but to such service conditions which would be amended from time to time in the subsequent years by the Central Government. Expressions “future” and “as and when” in the aforesaid para 3 in my opinion, leave no manner of doubt that the changed terms and conditions of the Central Government employees from time to

time will apply in their amended and changed form to persons such as the petitioner.

8. In fact, if there is any doubt whatsoever, the same is removed by reference to the circular dated 29.6.1981 of the respondent no.3 itself, and as per which circular the subsidiary of the respondent no.3 namely Central Coalfields Limited extended the benefits of pension scheme to those Railway employees who had joined NCDC in the year 1956, and which Railway employees did not have in 1956 the benefits of the pension scheme. As per the circular dated 29.6.1981, various employees, and who were erstwhile employees of Railways, were called upon to exercise the option and take their call as to whether they wanted to continue in the CPF scheme or wanted to be governed by the pension scheme by refunding the CPF amount which was received. I may note the fact that the retired employees would also be entitled to the pension scheme becomes clear from para 2 of this circular dated 29.6.1981, and which specifically refers to retired employees. Therefore, once to one set of employees in the respondent no.3, and who were governed not by the pension scheme but by the CPF scheme when they joined the predecessor of the respondent no.3 in 1956, entitlement was given to exercise the option to convert from the CPF scheme to the pension scheme, the petitioner and similarly situated persons cannot be discriminated against by not giving them the option to convert

from CPF optee to pension optee. With respect to persons who were Railway employees who joined the respondent no.3, this very issue which is an issue in this case, engaged the attention of a learned Single Judge of this Court in W.P.(C) No. 3306/2005 titled as *K.S.R.Chari Vs. Union of India & Ors.* decided on 23.8.2011. Learned Single Judge in the said case held that before a person can be denied an option to change over from the CPF scheme to pension scheme, it was necessary to establish that the respondent no.3/employer had brought to the notice of the employee the fact that he could exercise the option, and thereafter the employee did not exercise the option. Learned Single Judge has held that in case the respondent no.3 did not inform an employee of his entitlement of the changed terms and conditions of service of Union of India employees, and which allowed conversion from CPF scheme to pension scheme with respect to Central Government employees, such persons cannot be discriminated against and such persons would be entitled to the benefit of the pension scheme. Paras 8,15,17 to 23 of the said judgment are relevant and the same read as under:-

“8. The main issue that arises in the present writ petition is whether despite the Petitioner opting to remain in the SRPF by his letter dated 17th August 1968, there was any obligation on the part of the NCDC or the GoI to inform him of the periodic extensions of time given thereafter to ex-employees of the Railways to opt for the FPS. According to the Respondents, there was no such obligation. However, the tone and tenor of the circulars by which the time for opting for the pension scheme was extended indicates that notwithstanding that Railway employees had at one

point in time decided to continue in the SRPF, such employees would also be given the further option of moving to the pension scheme.

15. The said letter dated 29th June 1981 of the CCL required all the Heads of Departments “to take urgent steps to bring the provisions of the Railway Board’s circular to the notice of all concerned employees under their administrative control.” The above circulars make it abundantly clear that even those ex-railway employees who had opted to continue the SRPF after coming over to the NCDC would be given a chance to opt for the RP/FPS. The only requirement was that the employer’s share of contribution and the excess special contribution to SRPF drawn by them or the death-cum-retirement gratuity would be adjusted against the accrued pension.

17. The further factual position that emanates from a perusal of the records is that at no point in time was the Petitioner actually informed of the extension of time granted by the Railway Board to ex-railway employees for exercising their options. This has been clarified by the CCL in response to the queries raised by the Petitioner under the RTI Act copies of which have been placed by the Petitioner on record together with an affidavit dated 6th November 2009. In particular reference to the Petitioner, a query was raised whether he was informed of the circulars issued by the Railway Board regarding the liberalized FPS issued between 1976 and 1981. The answer to this query read as under: “Though the liberty to exercise option was circulated in June 1981, the same was not circulated individually to all such employees. This is no evidence in the file so as to ascertain that Sri Chari was intimated about the scheme in person to ask for his option.”

18. A further query was whether any information had been given to the Department of Coal about the options available to the Petitioner regarding the liberalised pension scheme during the aforementioned years. The reply was that there were no such documents available on the file. An affidavit dated 3rd November 2009 was filed by a Senior Personnel Officer working in the CCL stating that “there are no records to show that the circulars/options 1975-77 were sent through the Ministry of Energy or directly to the Petitioner.” One other query related to similar facilities granted to other ex-Railway employees. On this, there was a note made by the Chairman and Managing Director („CMD“) that there were sixty-one other employees availing pension under the liberalized FPS. In a modified

reply of the CCL filed by the Petitioner on 22nd March 2010, the Petitioner's queries and its replies have been placed on record. It appears that a note was prepared at the 183rd Meeting of the Board of Directors of the CCL which had recommended on 1st June 1981 that the date for opting for the FPS 1964 should be extended till 30th September 1981. In this, it was acknowledged that the Railway Board's Circular dated on 1st September 1980 extending time for exercising an option on or before 22nd February 1981 was not received in time. Therefore, it could not be circulated to those employees desirous of exercising option. Nevertheless, in reply to the RTI query, it was clarified that a request had been made to the Head of Departments (HODs) of the CCL at Ranchi/Calcutta to take urgent steps to bring to the notice of all employees and ex- employees the Railway circulars extending the time for exercising their options till 30th September 1981. The CCL also admitted in its reply to the RTI application that one Mr. B.L. Ohri, an ex-Railway employee who was also transferred from a State Railway Colliery to the NCDC retired from the NCDC on 30th September 1962 was sanctioned pension from the date of his retirement eight years after his retirement from the NCDC by a letter dated 27th February 1970.

19. Once it was made clear by the NCDC by its letter dated 26th November 1965 that the benefits provided to the government employees would automatically be admissible to those who had come over to the NCDC, there was an obligation on the part of the NCDC to ensure that all the benefits available to ex-employees of the Railways would be available to them. Since the Petitioner had moved over to the Ministry of Mines and Metals, it was unlikely that he would have been aware of the various circulars issued by the Railway Board or the decisions taken by the Board of Directors of the CIL or CCL extending the time for the former railway employees who had shifted to CCL or NCDC to exercise their option for RP/FPS. The responsibility lay on the Heads of Departments in CCL or CIL to reach this information to all their employees including those like the Petitioner who had retained lien in the NCDC while being sent on deputation to the Ministry of Mines and Metals. This admittedly was not done. Yet, the handwritten note of the CMD, CCL in response to the queries raised by the Petitioner under the RTI Act, has noted that over sixty persons were availing pension at the headquarters under the pension scheme. There is no reason why the Petitioner should not be extended the same facility.

20. This then brings up the issue of the delay in the Petitioner approaching the Respondents for relief. A retired employee who has moved away from the place of his employment and is located over thousands of miles away in his post-retirement days is unlikely to come across the information concerning the revision of pensionary benefits or the extension of time for exercising options unless it is specifically brought to his notice. The Petitioner who relocated to Bangalore after retirement from service in 1977 was not expected to keep track of the various circulars issued from time to time by the CCL or the NCDC. Admittedly, the circulars were not communicated to him. It has been clarified by the CCL in response to the queries under the RTI Act as well as in a separate affidavit filed on behalf of the CCL that there are no records to show that the Petitioner was in fact informed of the extension of dates for exercising option for RP/FPS. It is in this context that the Petitioner's version that it is only some time in 1998 that he came to know of the extension of dates for exercising option appears probable and credible. He then wrote to the CMD, CCL on 15th May 1998. In his letter dated 14th August 1998 the CMD, CCL acknowledged that the Petitioner was not aware of the exercise of options. He said: "I could see that though the liberty to exercise option was circulated in June, 1981, the same could not come to your notice. As you had not known about that, I could appreciate that it was not possible for you decide for opting or not."

21. The list of dates shows that the Petitioner has been continuously following up the matter ever since. At one point in time, he filed a writ petition in the Supreme Court on 23rd April 2003 but that was dismissed as withdrawn on 10th July 2003 with liberty to approach the High Court. The present writ petition was filed in February 2005 after further attempts by the Petitioner to seek redress failed. In those circumstances, this Court is not inclined to accept the submission of the Respondents that the present writ petition is barred by laches.

22. The decision of the Supreme Court in *Union of India v. MK Sarkar* has been heavily relied upon by learned counsel for Respondents to urge that the facts being similar, the present writ petition should also be dismissed. In that case, the Petitioner was a railway employee who had been sent on deputation to the Government of India as a Controller of Stores. He approached the Central Administrative Tribunal („CAT“) for a direction to the Railway Administration to permit him to exercise an option to switch over to the FPS. The CAT disposed of his application by directing the applicant to take

a decision on his representation by a reasoned order. Thereafter the Chairman, Railway Board passed a reasoned order rejecting his request. That was challenged before the CAT again. This time the CAT allowed the application and directed Union of India to permit the retired employee to opt for the pension scheme. After the High Court dismissed Union of India's writ petition, it approached the Supreme Court. The Supreme Court while setting aside the orders of the CAT and the High Court, held that the Respondents in the said case "consciously chose not to exercise the option as he admittedly thought that receiving a substantial amount in a lump sum under the provident fund scheme (which enabled creation of a corpus for investment) was more advantageous than receiving small amounts as monthly pension under the pension scheme." It was held that "having enjoyed the benefits and income from the provident fund amount for more than 22 years, the respondent could not seek switch over to pension scheme which would result in the respondent getting in addition to the PF amount already received, a large amount as arrears of pension for 22 years (which also be much more than the provident fund amount that will have to be refunded in the event of switch over) and also monthly pension for the rest of his life." **What seemed to have weighed with the Supreme Court was that MK Sarkar was at the time of retirement from the Railways himself working as HOD and was receiving all communications relating to option (for being circulated) to the employees. It was in those circumstances that the Supreme Court held that "the question of Respondent not being aware of the option does not arise."**

23. The facts in the present case differ from those in *MK Sarkar* on two important aspects. In the present case, however, the Petitioner shifted to the Ministry of Mines and Metals in Delhi on deputation in 1966. He was given an option only once in April 1968 and not thereafter. Such option was available to all ex-employees of the Railways, even those who had earlier decided to continue in the SRPF. Secondly, the responses to the applications under the RTI Act make it abundantly clear that the Petitioner was not informed of the subsequent extensions of time for giving the option. The affidavit filed on behalf of the CCL also shows that there is no record which would show that the Petitioner was informed of the subsequent Railway circulars. The decisions taken by the Board of Directors of CCL acknowledge that there were ex-employees of the Railways who had retired from CCL who were perhaps not made aware of the extension of the time

for opting for FPS. Despite the HoDs being asked to communicate the decision to all former employees, the Petitioner was not so informed.”
(emphasis added)

9. I respectfully agree with the ratio in ***K.S.R. Chari's(supra)*** case because no one can take advantage of his own wrong. Once changed terms and conditions of Central Government are to be applicable to employees such as the petitioner, then these employees have to be put to notice for exercising of option to convert from CPF scheme to the pension scheme. It is not open to the respondent no.3 to contend that persons such as the petitioners must automatically know the schemes, that they must automatically exercise the option, and having failed to exercise the option to convert from CPF optee to pension optee, such persons therefore should be denied the pensionary benefits. Learned Single Judge in ***K.S.R. Chari's (supra)*** case, in my opinion, has adequately and correctly dealt with these issues in paras 17 to 20 of the judgment and which have been reproduced above. I may note that learned Single Judge has also distinguished the judgment of ***M.K.Sarkar's case (supra)*** which is also relied upon by the respondent no.3 in the present case on the ground that the employee in the case of ***M.K.Sarkar (supra)*** always knew existence of the circulars for exercising of the option for pension, but in spite of knowing of those circulars did not exercise the option and which made the judgment of ***M.K.Sarkar's case (supra)*** not applicable. To further balance the

equities in the present case, in addition to adopting the reasoning of *K.S.R. Chari's case (supra)* I am additionally modulating the relief so that equities are balanced both for the petitioner and the respondent no.3 so that no one can take advantage of any of their inactions.

10. So far as the defence of delay and laches is concerned, at the first blush, I was inclined to accept the same inasmuch as it appeared that the petitioner was communicated the refusal in the year 1991 but he approached this Court in the year 2006. However, in my opinion, at the very best there can be delay and laches only for a particular period, but not the entire period from 1991 to 2006. This is for the reason that the fact that the petitioner seems to have continued to pursue his case becomes clear from the fact that though there is no written document on record, the Lok Sabha Committee has specifically given a fresh cause of action in its 14th Report on Petitions by observing that the petitioner does have a legal right and the respondent no.3 was required to consider the right of the petitioner in spite of delay and laches. This, in my opinion, will in a way furnish a fresh cause of action to the petitioner. Of course, the respondent no.3 again refused the benefit to the petitioner in the year 2003, but the petitioner has immediately thereafter approached firstly the NHRC in 2003 and thereafter this Court in 2006 after the

petition before the NHRC was dismissed on account of NHRC observing that it had no jurisdiction in such matters.

11. The only delay is apparently from 1991 to 1999, and I say apparent because there is no document of any representation in this regard, however, the very fact of existence of the Lok Sabha Report shows that there is some explanation for delay between 1991 to 1999 as the petitioner seems to have been pursuing various options for getting the relief of pension. In any case, in order to override this issue of the petitioner taking any unnecessary advantage of getting huge arrears in terms of pension, I put it to learned senior counsel for the petitioner as to whether the petitioner will be satisfied if the petitioner is not given any arrears of the pensionary benefits till the time the petition was filed, and the petitioner will only get pensionary benefits on and after the date of filing of the petition. Learned senior counsel for the petitioner immediately agreed, showing the fairness of the stand taken on behalf of the petitioner. This will therefore take care of the issue of any alleged huge monetary liability which would be fastened upon the respondent no.3 and has been argued on behalf of respondent no.3, because there will be none till the petition was filed in this Court. I may also note that right to pension is a continuing cause of action, and for each month, a fresh cause of action would accrue to a person, who claims pension especially the option having been exercised

in 1991 itself. Of course, for the period before filing of the petition relief may not be granted on account of principle of delay and laches, however, surely for the period of pendency of the petition there cannot be an issue of delay and laches in cases of pension which is a monthly right of an employee and thus accruing every month in a case such as the present.

12. So far as the judgment of *M.K.Sarkar's case (supra)* is concerned, besides the fact I have balanced the equities as stated above in the present case, in my opinion, there is no such delay and laches in the present case so as to disentitle the petitioner to the relief in the present case, more so on account of the right to pension in cases such as the present being a continuous cause of action, inasmuch as in the facts of the present case, option for pension was exercised by the petitioner way back in 1991 and therefore, the right to the petitioner accrued every month thereafter. I respectfully agree with the observations made by the learned Single Judge in *K.S.R. Chari's case (supra)* whereby the judgment in *M.K.Sarkar's case (supra)* has been distinguished.

13. In view of the above, the writ petition is allowed. The petitioner will within a period of three months from today return the CPF benefits which he had received in lumpsum at the time of his retirement alongwith the interest on that said amount at 12% per annum from the date of filing of this petition till a period of 3 months

from today, and in which period of 3 months, the petitioner must deposit the said CPF amount with interest with the respondent no.3. The respondent no.3, within a period of four weeks from the day of receiving of this amount, shall forthwith pay to the petitioner all pensionary benefits including the arrears payable for the period of the pendency of this petition. Till the time the pensionary benefits are paid to the petitioner interest will be payable at 12% per annum from the date of filing of this petition till the time the dues are paid. The petitioner will be paid thereafter his monthly pension every month in accordance with law and as per the calculations as applicable from time to time.

14. It is however clarified that in case any net interest would be payable either by the petitioner to the respondent no.3 or the respondent no.3 to the petitioner, this amount payable by either the petitioner to respondent no.3 or vice versa will stand adjusted in terms of the equities and no interest need be paid either by the petitioner to the respondent no.3 or the respondent no.3 to the petitioner during the pendency of the petition and for the period of three months hereafter. This last direction is given on account of apprehension of the counsel for the respondent no.3 that respondent no.3 may end up paying more amount to the petitioner towards interest instead of the amount which the petitioner will pay to the respondent no.3 towards interest.

15. The writ petition is accordingly allowed and disposed of as stated above, leaving the parties to bear their own costs.

APRIL 04, 2013
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VALMIKI J. MEHTA, J.