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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1393/2016**

UNION OF INDIA & ORS.

..... Petitioners

Through Mr. Ruchir Mishra & Mr. Sanjiv K.
Saxena, Advocates.

versus

RAM KRISHNA SHARMA

..... Respondent

Through Nemo.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

22.02.2016

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CM Nos. 6066/2016 & 6067/2016

Exemption applications are allowed, subject to all just exceptions.

W.P.(C) No. 1393/2016

During the course of hearing, learned counsel for the petitioner has relied upon ground Nos. B and J raised in the present writ petition and submits that this aspect has not been considered and examined by the tribunal. He submits that Office Memorandum No. F.No.38/37/08-P&PW(A) dated 2nd September, 2008 is not applicable to employees, who had retired/died before 1st January, 2006. He further submits that the requirement for 33 years' service and this reduction to 20 years for payment

of full pension is not applicable to employees, who had retired prior to 1st January, 2006. Reference is made to Office Memorandum No. F.No. 38/37/08-P&PW(A).pt.1 dated 3rd October, 2008 paragraph 4.2. We find that this aspect has not been considered and examined by the tribunal.

After some hearing, learned counsel for the petitioner submits that he would file a review application before the tribunal. He seeks permission to withdraw the present writ petition with liberty to assail the impugned order by way of a fresh writ petition, if so advised. The writ petition is dismissed as withdrawn with liberty as prayed for.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

FEBRUARY 22, 2016
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