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

+ W.P.(C) 5000/2016 & C.M.No.20876/2016

SARDAR NIRMAL SINGH AND ORS Petitioners

Through Mr.Shivam Garg, Advocate.

versus

UNION OF INDIA AND ANR Respondents

Through Mr.Dev P.Bhardwaj, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **30.05.2016**

Present writ petition has been filed challenging the letter dated 25th February, 2016 wherein it is stated that the CBI case RC-3(S)/2003/SCU.V/SC.II/CBI/New Delhi is pending trial in the court of Shri Puran Chand, CMM, Tis Hazari, Delhi at the stage of Prosecution Evidence.

It has been averred in the petition that the petitioner had earlier filed a writ petition being W.P.(C) 8985/2015 on the same cause of action, which was disposed of vide order dated 18th January, 2016 whereby respondents were directed to treat the writ petition as a representation and decide the same. It is stated that in pursuance to the same, the respondent no. 2 has passed the impugned letter.

It has been further averred in the petition that petitioners are entitled to get the benefit under the aforesaid Scheme and had got the benefit for five to six months.

Learned counsel for the petitioners states that the CBI case is pending against one of the officers of the respondents relating to sanction of the pension scheme in which petitioners are only witnesses and, therefore, pendency of the said case should not be treated as a ground to deny pension to the petitioners.

Since the impugned letter is cryptic and does not disclose the relationship between the pendency of CBI case and the petitioners, the same is set aside and the respondent no.1 is directed to decide the matter afresh after giving an opportunity of hearing to the petitioners in accordance with the directions given by this Court in W.P.(C) No.8985/2015.

In view of the aforesaid, the present writ petition and the application stand disposed of.

Order *dasti*.

MANMOHAN, J

MAY 30, 2016

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