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

+ W.P.(C) 11141/2016

UNION OF INDIA AND ANR ..... Petitioner  
Through Ms. Rashmi Malhotra, Advocate.

versus

MUNSHI LAL SHORYA ..... Respondent  
Through

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

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**25.11.2016**

Having heard counsel for the petitioners, we are not inclined to interfere with the impugned order dated 6<sup>th</sup> May, 2016, whereby OA No.3134/2014 filed by Munshi Lal Shorya, the respondent before us, has been allowed by the Principal Bench of the Central Administrative Tribunal on the following terms:-

“2. The learned counsel for respondents submitted that in accordance with the instructions of the Railway Board, 50% of the period of temporary status has been taken into account for the purpose of pensionary benefits. With regard to the aforementioned judgments, the learned counsel submitted that the respondents were considering filing of SLP challenging the order of Hon’ble High court of Delhi in **Rampratap Singh** (supra).

3. I have perused the judgments cited by the applicant and find that the controversy in the present OA is, in all fours, of the controversy in judgments in Shaik Abdul Khader, Prem Pal Singh and Rampratap Singh (supra). The OA is, therefore, allowed. Needless to say that in the event the respondents decide to go for SLP and succeed in that, the benefits given to the applicant in the present OA will also be covered by the judgment of Hon'ble Supreme Court. No costs. ”

2. The respondent had filed the aforesaid OA praying for the following reliefs:-

“8. RELIEF (S) SOUGHT;

In view of the facts and circumstances stated in para 4 and grounds taken in para 5, it is most respectfully prayed that the Hon'ble Tribunal may most graciously be pleased.

- (i) To allow the OA and quash and set-aside the impugned order dated 01.04.2013 and 27.02.2014 (Anns. A-1 & a-2) and declare to the effect that the petitioner is entitled to get pension and other retirement benefits by taking into consideration full period of temporary status and 50% of the period worked before acquisition of temporary status i.e. 28 years 2 months qualifying service; and consequently
- (ii) To issue direction to the respondents to release the difference of pension and other retirement benefits with all consequential benefits and interest thereon, by revising pension etc.
- (iii) To pass any such other order or direction as the Hon'ble

Tribunal may deem just and proper as per facts and circumstances of the case besides the cost and expenses or present litigation.

3. The respondent had not prayed for grant of financial upgradation under the Assured Career Progression Scheme or the Modified Assured Career Progression Scheme. No direction to the said effect has been issued by the Tribunal in the present case. The impugned order passed by the Tribunal also takes care of the rights of the petitioners as they have preferred Special Leave Petition against the judgments of different High Courts including Delhi High Court. The Tribunal has, therefore, directed that in case the petitioners succeed in the Special Leave Petition, benefits given to the respondent would be covered by the judgment of the Supreme Court.
4. The writ petition is accordingly dismissed.

**SANJIV KHANNA, J.**

**CHANDER SHEKHAR, J.**

**NOVEMBER 25, 2016**  
**NA**