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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on: 13.07.2017
Date of Decision: 13.04.2018

+ L.P.A.640/2013
COAL INDIA LIMITED Appellant
Through: Mr. Anup Sachthey with Ms.
Anjali Chauhan and Ms. Ria
Sachthey, Advs.

versus

R.K.GUPTA & ORS. Respondents
Through: Mr. Arun Bhardwaj, Adv.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

JUDGMENT

REKHA PALLI, J

1. The present intra court appeal impugns the judgment dated 04.04.2013 passed by the Learned Single Judge of this Court (hereinafter referred to as the "Impugned Judgment"), allowing the Respondent No. 1/Employee's Writ Petition bearing W.P.(C) No. 11371/2006 and directing that, within four weeks of the Respondent No. 1 returning the Contributory Provident Fund (CPF) benefits along with interest @ 12% per annum, the Appellant would within

four weeks thereafter release the entire arrears of pension from the date of filing the writ petition along with similar interest @ 12% per annum and, thereafter continue to release monthly pension to the Respondent No. 1 in accordance with law.

2. The facts which emerge from the record are that the Respondent No. 1, upon being selected by the UPSC, joined the Coal Department under the Ministry of Production as an Assistant Coal Superintendent Grade-II on 19.05.1955. In early 1956, the Government of India had set up the office of Coal Production and Development Commissioner (hereinafter referred to as 'CPDC') under the Ministry of Production and all the State Collieries were brought under the control of CPDC. Subsequently, the CPDC was transferred to National Coal Development Corporation Limited (hereinafter referred to as 'NCDC'), the predecessor-in-interest of the Appellant, as a result whereof, three categories of employees and their services stood transferred from the Government and its departments to the services of the NCDC. The first being those Central Government employees who had opted for the Contributory Provident Fund Scheme (hereinafter referred to as the 'CPF Scheme'). The second being those Central Government employees who had opted for the pension scheme and not the CPF Scheme. The third category had 14 employees, including Respondent No. 1, who were employees of the Railways and, therefore, did not have the benefit of a pension scheme and were governed by the Railway Service Rules and Railways Contributory Provident Scheme (hereinafter referred to as 'SRPF').

3. At the time of joining the services of the NCDC, these employees were given an option whether or not they wanted to be governed by the same terms and conditions as were applicable to the Central Government Employees.

4. It is an admitted case of the parties that while joining NCDC, the Respondent No. 1, while exercising the option to be governed by the terms and conditions of the Central Government Employees, had also exercised his option for the CPF Scheme and not the Pension Scheme.

5. After the Respondent No. 1 stood transferred to the NCDC, it appears that a pension scheme was introduced by the Railways on 01.04.1957 and the Railway Board appears to have given 12 options between 16.01.1957 to 08.05.1987 to its transferred employees to shift from SRPF to Railway Pension and Family Pension Scheme. A Presidential Order in this regard was also issued on 16.08.1965, whereafter a clarification circular was issued by the NCDC on 26.11.1965.

6. At this stage, it may also be relevant to notice and reproduce Paragraph 3 of the circular dated 26.11.1965, which clearly provided for protection of the extension of future revision of pay-scales and allowances, liberalization of service conditions, amendment of rules etc., made by Government to those ex-CPDC employees, who had opted for service under the NCDC. Paragraph 3 of the circular reads as under:-

“3.Regarding protection to the extention 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."

7. Thus, the emphasis of the aforesaid circular was that the employees who were transferred to NCDC, would remain entitled to protection of not only their then prevailing pay scales and allowances etc. but also to all future revisions made by the Central Government.

8. The Respondent No. 1, retired from the NCDC on 31.03.1986 as Director (P). After five years thereof, he made a representation dated 03.06.1991 to the Appellant seeking conversion from CPF Scheme to Pension Scheme on the ground that neither he nor the other 13 employees were ever informed by the Appellant or NCDC (the Appellant's predecessor-in-interest) about the 12 options given by the Central Government to its employees to switch over from CPF Scheme to Pension Scheme. In his aforesaid representation, the Respondent No. 1 had also specifically pointed out that he came to know about the circular dated 01.05.1987 issued by the Central Government enabling its employees to change from CPF Scheme to Pension Scheme, only in the year 1991. However, this representation of the Respondent No. 1 was rejected by the Appellant vide its letter

dated 14.08.1991. As noticed by the Learned Single Judge, the Respondent No. 1 did not make any further specific written representations thereafter to the Appellant till the year 1999, but he did take steps to get his matter considered by the Lok Sabha Committee and the observations made in the 14th Report of the Lok Sabha Committee on Petitions dated 18.03.2000 (hereinafter referred to as “Lok Sabha Committee”) shows that the Committee had recommended that the Respondent No. 1’s claim may be considered afresh and the option for Liberalized Pension Scheme may be given to him on the basis of the Presidential Order dated 16.08.1965. The relevant observations read as under:-

“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.”

9. Despite the recommendations made by the Lok Sabha Committee, the Appellant did not take any action to process the claim of Respondent No. 1 and finally rejected his representation in July, 2003. Thereafter, the Respondent No. 1 approached the National

Human Rights Commission (hereinafter referred to as 'NHRC') for redressal of his grievances, which petition was dismissed in the year 2005 on the ground that the NHRC had no jurisdiction to entertain such matters and the Respondent No. 1 was directed to approach the appropriate authorities.

10. In these circumstances, the Respondent No. 1 preferred a Writ Petition before this Court being W.P.(C) No. 11371/2006, seeking a direction to the Appellant to extend the pensionary benefits to him under the Liberalized Pension Scheme with effect from the date of his retirement. The basic plea raised by the Respondent No. 1 was that, as he had exercised the option to be governed by the terms and conditions of the Central Government employees at the time of joining the predecessor-in-interest of the Appellant, he too was entitled to the benefit of the changes made from time to time in the Rules and Regulations, including in respect of the scale of pay and the other benefits granted to the Central Government employees. The Respondent No. 1 relied on circular dated 26.11.1965 of the NCDC in support of his contention that, as the Central Government had enabled its employees on subsequent dates after their transfer to the NCDC to switch over from CPF Scheme to the Pension Scheme, the same would automatically be applicable to him, as well as other similarly situated employees. He further contended that it was mandatory for the Appellant and the NCDC to bring to the notice of all its employees, including the Respondent No. 1, the said option to switch over to the Pension Scheme and, having failed to do so, they

could not take away the employees' right to exercise their option, as and when it came to their notice.

11. On the other hand, the basic argument of the Appellant before the Learned Single Judge was that the writ petition was grossly barred by delay and laches and would create a huge financial liability on the Appellant, if the Respondent No. 1 was allowed to claim exorbitant arrears of pension with interest, by simply returning the lump sum amount of the provident fund, that he had enjoyed over the years. The Appellant further submitted that, having exercised the option to be governed by the Central Government Rules, the Respondent No. 1 could only be governed by those rules which existed in 1956 when he had joined the services of the NCDC.

12. After examining the rival submissions of the parties and observing the specific language used in Paragraph 3 of the circular dated 26.11.1965, the Learned Single Judge came to a conclusion that persons such as the Respondent No. 1, who had joined the Appellant/NCDC, were to be governed not only by the terms and conditions that existed when such employees joined the Appellant/NCDC, but would also be governed by such service conditions which would be amended from time to time in the subsequent years by the Central Government. The Learned Single Judge also concluded that the expressions "*future*" and "*as and when*" in Paragraph 3 of the said circular were unequivocal that the changed terms and conditions of the Central Government employees, from time to time, were to automatically apply in their amended and changed form to persons such as the Respondent No. 1. In arriving at

this conclusion, the Learned Single Judge also relied on a circular dated 29.06.1981 issued by the subsidiary of the Appellant, i.e. Central Coalfields Limited (CCL), whereby various employees, including erstwhile employees of railways and retired employees, 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 by them.

13. The categorical conclusion of the Learned Single Judge is that, once the employees of the Appellant, who were governed not by the Pension Scheme but by the CPF Scheme-when they had joined the NCDC in 1956, were given the option to exercise conversion from the CPF Scheme to Pension Scheme in 1981, there was no reason to discriminate against the Respondent No. 1 and other employees by not giving them the same option.

14. The Learned Single Judge also rejected the contention that the petition was barred by delay and laches. In this regard, the Learned Single Judge relied on a decision dated 23.8.2011 of this Court in ***K.S.R. Chari v. Union of India & Ors.*** [W.P.(C) No. 3306/2005], wherein, while dealing with a person who was a railway employee and had joined the Appellant, the plea of the Respondents therein, that the Petition was barred by delay and laches, had been rejected by this Court on the ground that no one can take advantage of his own wrong and if the employee was not put to notice of the option to convert from CPF Scheme to Pension Scheme, it was not open to the

employer to contend that the employees must automatically have learnt of the scheme, of and then exercised their option accordingly.

15. The Learned Single Judge, however, after examining the time taken by the Respondent No. 1 in approaching the Court, while allowing the writ petition vide the Impugned Order, granted arrears of pension to the Respondent No. 1 only from the date of filing of the Writ Petition and that too subject to the Respondent No. 1 returning the entire CPF Scheme benefits received by him along with interest @ 12 % per annum, thereby balancing the equities.

16. Arguing for the Appellant, Mr. Anup Sachthey submits that the Learned Single Judge by allowing the writ petition has not only ignored the inordinate delay of 20 years on the part of the Respondent No. 1 in approaching the Court, but has also ignored the vital fact that, once the Respondent No. 1 was transferred to NCDC in October, 1956 under certain specific terms and conditions, he was entitled to protection of all terms and conditions as were applicable to him while being a Central Government employee, but the same could not be stretched to include the terms and conditions subsequently introduced by the Central Government.

17. Mr. Anup Sachthey submits that the Respondent No. 1 had joined NCDC with open eyes and he was well aware that there was no Pension Scheme in the NCDC as on 01.10.1956. He further contends that the reliance placed by Learned Single Judge on the circular dated 26.11.1965 was wholly misplaced, as the said circular was not applicable to the employees like the Respondent No. 1 who had been transferred from the Railways to NCDC.

He further submits that no reliance could be placed by the Respondent No. 1 on the O.M. dated 01.05.1987 issued by the Central Government, giving a fresh option to its employees to convert to the Pension Scheme, as the Respondent No. 1 had admittedly retired on 31.03.1986, i.e. before the issuance of the said O.M.

18. Learned counsel for the Appellant further submits that, once the Respondent No. 1 had himself opted for the CCL Provident Fund in 1973, there was no occasion for the Appellant to keep giving him further options to opt for the Pension Scheme.

19. In support of his plea, that the court is not bound to entertain writ petitions filed after an inordinate delay and that the same are liable to be rejected outrightly, Mr. Sachthey has placed reliance on the relevant paras of the following judgments:-

- (i) ***Chennai Metropolitan Water Supply & Sewerage Board & Ors. v. T.T. Murali Babu*** reported as (2014) 4 SCC 108 (Paras 16 & 17)
- (ii) ***Yunus (Baboobhai) A. Hamid Padvekar v. State of Maharashtra & Ors.*** reported as (2009) 3 SCC 281 (Paras 7 & 10)
- (iii) ***C.Jacob v. Director of Geology and Mining & Anr.*** reported as (2008) 10 SCC 115 (Paras 15 & 16)
- (iv) ***Shiba Shankar Mohapatra&Ors v. State of Orissa &Ors.*** reported as (2010) 12 SCC 471 (Paras 18, 19, 30 & 31)

(v) ***Shankara Cooperative Housing Society Limited v. M.Prabhakar & Ors.*** reported as (2011) 5 SCC 607 (Paras 63 & 64)

Mr. Sachthey has also placed reliance on a decision of the Hon'ble Supreme Court in ***Union of India & Ors. v. M.K. Sarkar [(2010) 2 SCC 59]***, wherein the plea of employees seeking conversion to the Pension Scheme after their retirement was also rejected.

20. On the other hand Mr. Arun Bhardwaj, appearing for the Respondent No. 1, while defending the Impugned Judgment, contends that the Learned Single Judge has, after examining the delay on the part of the Respondent No. 1 (who is over 92 years of age), balanced the equities by granting him arrears of Pension benefits only from the date of filing of the Writ Petition and that too by directing him to return the entire CPF Scheme benefits received by him along with interest. He further submits that Respondent No. 1's case is identical with the case of the Petitioner in ***K.S.R. Chari (supra)***, wherein an employee-who had retired in the year 1977 and had approached the Court only in the year 2005, was granted Pension pursuant to the order of the Learned Single Judge, which order has attained finality as no appeal has been preferred by the Appellant against the aforesaid order.

21. Mr. Bhardwaj submits that none of the decisions relied upon by the Appellant is applicable to the facts of the present case. While referring to the decision of the Hon'ble Supreme Court in the case of ***M.K. Sarkar (supra)***, Mr. Bhardwaj contends that the said case

pertains to an employee who was still in service when the option to convert from CPF Scheme to Pension Scheme was given, whereas in the present case, the O.M. dated 01.05.1987, which entitles Respondent No. 1 to be covered under the pension scheme, was issued by the Central Government only after he had retired from service on 31.03.1986 and, therefore, the ratio of the decision in the aforesaid case is not applicable to the present case. He further submits that once the O.M. dated 01.05.1987 clearly made the same applicable to all the employees who were in service on 01.01.1986, there was no reason as to why the benefits of the said circular should not be granted to the Respondent No. 1 who was, admittedly, in service on 01.01.1986 and was, therefore, entitled to be covered under the pension scheme envisaged under the aforesaid O.M.

22. Mr. Bhardwaj submits that it is a well settled legal position that the delay in approaching the writ court is not always fatal. While referring to the decisions relied upon by the learned counsel for the Appellant, he submits that none of the said cases relate to grant of pension. By placing reliance on the decision of the Supreme Court in the case of *Union of India and Ors. v. Tarsem Singh* [(2008) 8 SCC 648] he submits that it is a settled legal position that the right to receive pension on a monthly basis gives the employees a recurring cause of action.

23. Having considered the rival submissions of the parties, we are of the view that the present Appeal is wholly without merit. In our view, the Learned Single Judge after considering the clauses of the circular dated 26.11.1965, as also the terms and conditions under

which the Respondent No. 1 was transferred to NCDC, has rightly concluded that the Respondent No. 1 would be governed not only by those terms and conditions as applicable to the Central Government employees on the date of his transfer to NCDC, i.e. 01.10.1956, but would also be governed by the subsequent terms and conditions introduced by the Central Government while he was in service of NCDC. Therefore, in our view, the Respondent No. 1 was entitled to claim the benefit of the Pension Scheme introduced by the Central Government vide O.M. dated 01.05.1987, especially since the same has been made applicable to all employees who were in service as on 01.01.1986.

24. In our view, the Learned Single Judge was also justified in concluding that the non-grant of pension to the Respondent No. 1 was, even otherwise, discriminatory in light of the admitted position that vide circular dated 29.06.1981, Central Coal Field Limited (subsidiary of the Appellant), had extended the benefits of the Pension Scheme to those railway employees who had joined NCDC in the year 1956, including the retired employees.

25. We find no merit in the plea of the learned counsel for the Appellant, that the writ petition was liable to be dismissed solely on account of the inordinate delay on the Respondent No. 1's part in approaching the Court. We cannot lose sight of the fact that the Respondent No. 1 had specifically opted to be governed by the terms and conditions as applicable to Central Government employees and was also in service with the NCDC on 01.01.1986, i.e. the cut-off date prescribed in the O.M. dated 01.05.1987 issued by the Central

Government. The said O.M. granted an automatic conversion from CPF Scheme to Pension Scheme to all those Central Government Employees who were in service as on 01.01.1986 but did not give any specific option thereafter to be governed by the CPF Scheme. Therefore, in the view of Clause 3 of the circular dated 26.11.1965, in our considered opinion, the O.M. dated 01.05.1987 was automatically applicable to the Respondent No. 1. and in accordance with the said O.M., he was like other Central Government employees also entitled to be covered by the Pension Scheme.

26. We have also considered the various decisions relied upon by the learned counsel for the Appellant in support of his plea that the writ petition was liable to be rejected on the ground of delay and laches. We find that these decisions relate to cases of dismissal/termination from service, *inter se* seniority, or to land acquisition. Reliance placed by the Appellant on those decisions is wholly misplaced, since the present case relates to grant of pension to the Respondent No. 1, who is today over 92 years old and was compelled to approach the Court only because of the inaction of the Appellant in giving him his due pension, which pension has not only been granted to all similarly placed Central Government employees, but also to employees of the Central Coal Field Limited, which is a subsidiary of the NCDC. The respondent kept agitating his claim from time to time, as taken note of hereinabove. Moreover, the right to receive pension accrues month to month and denial thereof would give a fresh cause of action which is recurring in nature.

27. In our view, the Learned Single Judge has rightly balanced the equities while considering the delay on the part of the Respondent No. 1 in approaching the Court by granting him arrears of pension only w.e.f. the date of filing of the petition.

28. Having found ourselves to be fully in agreement with the findings of the Learned Single Judge, we deem it appropriate to reproduce hereinbelow paragraphs 9 to 13 of the Impugned Judgment.

“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."

29. Thus, we find that despite the Respondent No.1 being eligible for grant of pension, he was not only deprived of the opportunity to exercise his option for grant of pension, but was also deprived of the benefit of automatic conversion to the Pension Scheme in accordance with the O.M. dated 01.05.1987, which was admittedly applicable to all the Central Government employees in service as on 01.01.1986 and which ought to have been made applicable to Respondent No. 1 also.

30. Having considered the peculiar facts of this case, we find that even though the Respondent No. 1 had approached the Court after some delay, his case had been favourably considered by the Lok Sabha Committee, clearly showing that the Respondent No. 1 was actively pursuing his claim and, therefore, it is not a case where the Respondent No. 1 had slept over his rights or given up his claim for pension. In these circumstances, we do not think that delay on the part of the Respondent No. 1 in approaching the Court was itself sufficient to reject his claim, as is sought to be contended by the learned counsel for the Appellant. Even otherwise, we find that the direction of the Learned Single Judge in restricting the grant of arrears of pension to the Respondent No. 1 only w.e.f. the date of filing of the writ petition, would mean that the Respondent No. 1, despite his eligibility, has been deprived of arrears of pension of almost 20 years. Thus, in our view, on account of delay on his part in approaching the Court, the Respondent No. 1 has already suffered a huge financial loss and, therefore, we see absolutely no reason to interfere with the Impugned Judgment.

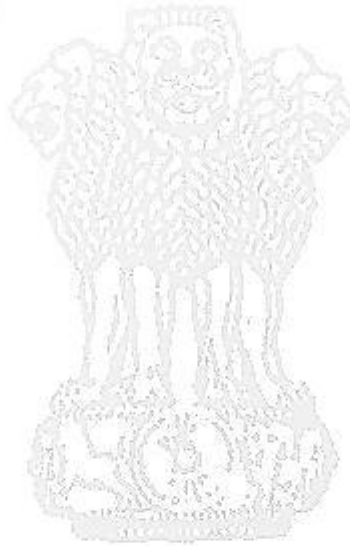
31. The appeal is accordingly dismissed in the above terms, with no order as to costs.

(REKHA PALLI)
JUDGE

(VIPIN SANGHI)
JUDGE

April 13, 2018
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HIGH COURT OF DELHI



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