

\$~22

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

+ **W.P.(C) 1438/2019 & CM APPL. 6613/2019**

JAI CHANDRA YADAV

.....

Petitioner

Through: Uday Prakash Yadav and Mr Sujit
Kumar Jha, Advocates.

versus

UNION OF INDIA AND ANR.

.....

Respondents

Through: Mr.PS Singh, Sr. Panel Counsel with
Mr. Mukesh Hooda, Mr Rajpal Singh
and Mr. Rahul Arya, Advocates for
the Respondents.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

13.02.2019

%

1. The prayers in the present petition read as under:

“(i) Issue the Writ in the nature of mandamus to the respondents thereby directing the respondents to remove the anomaly of the age of retirement of the petitioner from 57 to 60 years at par with the case of other Senior Rank Officers in the Force and other Ministries and Departments of Central Government; and

(ii) Further issue a direction to the respondents to extend the age of superannuation of the petitioner to the age of 60 years as on 21.11.2021; or

(iii) Pass any other order or directions which this Hon’ble Court may deem fit and proper under the facts and circumstances of the case in the interest of justice.”

2. It is observed that the prayers in the present petition are similar to WP(C) No.1951/2012 and connected batch matters i.e. ***Dev Sharma v. ITBP*** which was decided by this Court on 31st January, 2019. By the said judgment, this Court declared Rule 43 of the CRPF Rules, 1955 and other incidental Rules to the extent that they provided a member of the Central and Allied Police Forces (CAPFs) including the ITBP, the BSF and the CRPF up to the rank of Commandant would retire at 57 years to be discriminatory and violative of the Constitution of India.

3. By the order in WP(C) No.695/2019 dated 4th February 2019 (***Ram Chander Kasania v. Union of India***), this Court issued further directions with regard to the issuance of Pension Payment Orders (PPOs) to those personnel of the CAPFs who had superannuated before or during the pendency of the decision in ***Dev Sharma v. ITBP*** (*supra*). It was

“ ... clarified that the Respondents will continue to issue PPOs in respect of such members of the CAPFs as and when they superannuate on the basis of Rules as they stood prior to the judgment. However, in the event that the Respondents decide, by way of implementation of the judgment, that the uniform age of superannuation would be 60 years or any age beyond 57 years, then depending on the date from which the change will take effect, the direction of this Court in para 72 of the judgment that it would not have the effect of reinstatement of those who have already retired would not come in the way of the Respondents deciding to reinstate such of those members of the CAPFs who would not have reached the uniform age of superannuation as determined. The Respondents will issue appropriate consequential orders at that stage.”

4. Consequently, the petition and the application are disposed of in terms of the judgment dated 31st January 2019 in W.P(C) No.1951/2012 (***Dev Sharma v. ITBP***) and the subsequent order dated 4th February 2019 in

WP(C) No.695/2019 (*Ram Chander Kasania v. Union of India*).

S. MURALIDHAR, J.

SANJEEV NARULA, J.

FEBRUARY 13, 2019
rd