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

+ **W.P.(C) 10288/2019**

**DINDAYAL JANGIR AND ORS.** ..... Petitioner

Through: Mr.Kumar Rajesh Singh, Ms.Punam Singh  
and Md.Aziz Khan, Advocates.

versus

**UNION OF INDIA AND ANR.** ..... Respondent

Through: Mr.J.K. Singh, Senior Standing Counsel  
with Mr.Saurabh Sharma, Advocate.

**CORAM:**  
**JUSTICE S.MURALIDHAR**  
**JUSTICE TALWANT SINGH**

**%** **ORDER**  
**30.09.2019**

1. The Petitioners seek the extension of the benefit of the Old Pension Scheme (OPS) to all of them selected as Inspectors (Prosecution) in the Railway Protection Force (RPF) pursuant to the recruitment notification issued in 2000 and subsequently advertised in 2002 by the Railway Recruitment Board (Chandigarh).

2. On the previous date of hearing, learned counsel for the Petitioner had pointed out that the issue in the present case is completely covered by the judgement of this Court dated 12<sup>th</sup> February, 2019 in W.P.(C) 6680/2017 titled ***Tanaka Ram vs. Union of India*** which was affirmed by the Supreme Court in its order dated 2<sup>nd</sup> September, 2019 in SLP(C) Diary No. 25228/2019 titled ***Union of India vs. Tanaka Ram***. Learned counsel for the Respondent on that date had sought time for instructions. Today he seeks some more time for instructions.

3. Considering that the matter already stands fully covered by the judgement of this Court, the request of the Respondent is declined.

4. The law in this regard has been explained in the aforementioned judgement of this Court in ***Tanaka Ram*** (*supra*) which was in the context of Constables of the Border Security Force (BSF) but the principle would equally apply to the present cases. The failure by the Respondents to complete the process of holding the competitive examinations, interviews, publishing the final result and then sending them for training, which resulted in their appointments being delayed beyond 1<sup>st</sup> January, 2004, when the new petition scheme came into effect, cannot be attributed to any omission on the part of the Petitioners. The delay in their appointment process deprived them of the benefit of the OPS and in all such similar instances, which have been referred to in ***Tanaka Ram*** (*supra*), the Court has held that candidates will be entitled to the benefits of the OPS since their process of recruitment started much prior to 1<sup>st</sup> January, 2004.

5. On the same analogy in the present cases, the writ petition is allowed and a direction is issued to the Respondents to extend to each of the Petitioners the benefit of the OPS and pass all consequential orders in that regard within a period of 4 weeks from today. The arrears should be paid to each of the Petitioners within 12 weeks failing which each of them would be entitled to simple interest at 6% per annum on the sum constituting the arrears for the period of delay.

**S. MURALIDHAR, J.**

**TALWANT SINGH, J.**

**SEPTEMBER 30, 2019**

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