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

+ W.P.(C) 5898/2019

MAJ R K SHARMA (RETD.)

..... Petitioner

Through: Mr. Ajit Kakkar with Ms. Shreshtha,
Advts.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. Gaurav Varma, Adv. with Mr.
Piyush Gaur, GP.

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CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

27.05.2019

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Issue notice. Counsel for the respondent accepts notice.

The petitioner has preferred the present writ petition to seek a direction to the respondents to grant him Service Pension and other retiral benefits.

The petitioner has been dismissed from service in the year 1986 after he was tried by the General Court Martial. The Gauhati High Court has allowed his petition but the Supreme Court has reversed the decision of the said High Court and, therefore, his dismissal from service has attained

finality.

Since the petitioner has been dismissed from service, in our view, the petitioner is not entitled, as a matter of right to pension and other retiral benefits. However, considering the fact that the petitioner has rendered 23 years of service at the time of his dismissal, he may be entitled to consideration for grant of Compassionate Allowance under Rule 41 of the CCS Pension Rules.

Accordingly, we dispose of this petition with the direction that, in case, the petitioner makes his application for grant of Compassionate Allowance, the same should be considered on its own merits.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 27, 2019

N.Khanna