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

+ CONT.CAS(C) 320/2017, CM No. 41231/2017

EX-SERVICEMENT WELFARE UNION Petitioner
Through: Mr. Jaideep Singh, Ms. Eysha
Marysha and Mr. Kartik Dabas, Advs.

versus

PRADEEP KUMAR SINHA & ORS Respondents
Through: Ms. Maninder Acharya, ASG with
Mr. Rajesh Gogna, CGSC with Mr.
Ruchir Mishra, Mr. Sajiv Kr. Saxena,
Mr. Ramneek Mishra and
Mr. Mukesh Kr. Tiwari, Advs.
With Mr. Sumit Zerath, Spl. Secretary
to the Cabinet Secretariat and
Mr. J.K. Joshi, Director, Cabinet
Secretariat.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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20.08.2019

Vide the present petition, the contempt is alleged of an order dated January 29, 2016. On the last date of hearing, this Court had inter-alia passed the following order on the submission made by learned ASG for the respondents:

“ It is the submission of the learned counsel for the petitioners that on restoration of the 45% of the commuted equivalent of the pension, the petitioners are entitled to 45% of the pension as being drawn by a personnel holding an equivalent rank in the Indian Army.

Prima facie, this Court is of the view that the said claim do not arise from the directions given by this Court in para 37, as noted above and the contempt petition may not be maintainable.

At this stage, learned counsel for the petitioners seek some time to take instructions.”

Learned ASG has also relied upon the communications / orders dated August 22, 2017 and February 22, 2018 of GOI, to contend that the order of which non-compliance is alleged has been complied with.

At this stage, learned counsel appearing for the petitioner submits that the members of the petitioner union are entitled to restoration of 100% of the commuted equivalent of pension of an Indian Army Personnel. The said plea of the learned counsel for the petitioner surely does not arise from the order of which non-compliance is alleged. Appropriate for the petitioner union is to file a separate writ petition to make such claim.

The learned counsel for the petitioner also submits that despite the Court in its order dated January 29, 2016 noted that there are approximately 5727 personnel who are discharged from the SSF and who have rendered more than 15 years of service as on December 31, 2008, the said 5727 personnel have not been given the benefit of the order dated January 29, 2016. Learned ASG refutes the said submission to contend that only 1150 SSF personnel who have retired on or before January 1, 2009 were eligible and have been granted the benefit in terms of the judgment dated January 29, 2016. In view of variance in the stand of the parties, it shall be appropriate for the learned counsel for the petitioner to give a list of the personnel, who according to him have not been given the benefit of order dated January 29, 2016 to the counsel for the respondent, within one week.

On receipt of the same, it is expected that the respondents shall verify their record and if found that any personnel has not been given the benefit, the same shall be given to him / them within eight weeks thereafter.

With the aforesaid, the contempt is closed.

CM No. 41231/2017 (For directions)

Dismissed as infructuous.

V. KAMESWAR RAO, J

AUGUST 20, 2019/jg