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

+ **W.P.(C) 9070/2014**

NAVNEET KUMAR SHARMA & ORS.

..... Petitioners

Through: Mr. Vaibhav Vutts and Ms. Aamna
Hasan, Advocates.

versus

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
(CSIR) & ANR.

..... Respondents

Through: Mr. Arun Sanwal, Advocate for
CSIR.
Mr. Arun Bhardwaj, Advocate for R-
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CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **26.11.2019**

1. The short issue in the present petition, which is directed against an order dated 27th February, 2014 of the Central Administrative Tribunal ('CAT'), Principal Bench in O.A. No. 1273/2012, is whether special pay of Rs. 2000/- granted to the Petitioner scientist prior to 1st January, 2006 and Rs. 4000/- granted with effect from 1st January, 2006 should be reckoned for the purpose of the computation of pension/pensionary benefits. With the CAT deciding against the Petitioners on this issue by the impugned order, the Petitioners have approached this Court.

2. On a very first hearing of the present petition on 19th December, 2014, this Court noted that the Petitioner was placing reliance on a judgment dated

18th July, 2014 of this Court in W.P.(C) No. 3095/2014 (*Union of India v Dr. O. P. Nijhawan*) which held that special pay has to be clubbed for the purposes of the computation of pension and other retiral benefits. The matter was kept adjourned awaiting the order of the Supreme Court in the appeal filed against the above judgment of this Court in *Dr. O. P. Nijhawan (supra)*.

3. The Court has today been shown a copy of the order dated 3rd January, 2019 passed by the Supreme Court of India in Civil Appeal No. 12118/2018 and batch (*Union of India and Ors. vs. O. P. Nijhawan and Ors.*), whereby the appeal of the Union of India has been dismissed. In other words, the judgment of this Court has been upheld.

4. In that view of the matter, the impugned order of the CAT dismissing the Petitioners' aforementioned O.A. is hereby set aside. The Respondents are directed to issue the necessary orders, within eight weeks from today, re-computing the pensionary benefits to the Petitioners by taking into account the special pay granted to him as noted hereinabove. The petition is disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 26, 2019

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