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

+ W.P.(C) 10707/2016 & C.M. No.41915/2016

UNION OF INDIA & ORS. Petitioners
Through Mr.Ashok Singh, Adv.

versus

RAM KUMAR Respondent
Through Nemo.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **19.03.2019**

The two grievances raised by the petitioners in relation to the impugned order passed by the Tribunal in O.A. No.2399/13 dated 13.05.2015, is that the Tribunal has directed consideration of the respondent's claim for ACP/MACP benefits, if found eligible, even though no such prayer was made by the respondent in the Original Application. The petitioners also assails the direction issued by the Tribunal that 50% of the casual service, and 100% of the temporary service rendered by the respondent be treated as qualifying service for purpose of computation of pensionary benefits

Learned counsel for the petitioners submits that in view of the judgment of the Supreme Court in *Union of India & Ors. Vs. Rakesh Kumar & Ors. 2017 (4) SCALE 16*, the respondent is entitled to count 50% of the service in temporary capacity for purposes of

computation of pension instead of 100% as directed by the Tribunal. Therefore, the order passed by the Tribunal directing computation of pension by consideration of 100% of the service rendered on temporary basis is modified, and only 50% of the service rendered in temporary capacity, along with 50% of service rendered on casual basis, shall qualify for purposes of computation of pension.

So far as the relief granted by the Tribunal for consideration of the benefit of ACP/MACP Scheme is concerned, this Court in ***Union of India & Ors. Vs. Amar Chand*** in Writ Petition (C) No.9319/2016 along with several other writ petitions decided on 14th August, 2018, has directed grant of ACP/MACP to the similarly placed employees. We, therefore, do not find any justification to interfere with the impugned order in that regard.

The petition along with pending application stand disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 19, 2019/aa