

\$~64

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

+ W.P.(C) 5688/2017 & CM APPLs. 23758/2017 & 10990/2019

UNION OF INDIA & ORS

..... Petitioners

Through: Ms. Anjana Gosain & Ms. Rabiya
Thakur, Advs.

versus

MOHAN SINGH

..... Respondent

Through: Mr. M.K. Bhardwaj, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

08.03.2019

1. We have heard learned counsel for the parties. In this case we notice that the respondent/ applicant had retired on 31.03.1997 i.e. after the recommendations of the 5th Pay Commission were accepted on 01.01.1996. Furthermore, we also notice that by circular/ notification dated 19.09.2003, *prima facie* it appears to be attracted, especially with respect to the Clauses (a) to (d). The applicant had not agitated its grievances, unlike in the case of *D.L. Khillan* who had adjudicated before the Tribunal on multiple occasions which led the CAT to conclude that clause (e) of the said circular would apply.

2. In the impugned order, the CAT on the basis of parity with *Khillan* case, granted relief to the applicant. Since there are important distinguishing

factors, we are of the opinion that the impugned order of CAT dated 25.10.2016 is required to be set aside and O.M. No. 4309/2010 should be remitted back to CAT for fresh consideration. All rights and contentions of the parties are reserved.

3. The writ petition is allowed in the above terms. Parties shall appear before the CAT on 25th March, 2019.

Dasti.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

MARCH 08, 2019

'pv'