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

+ **W.P.(C) 3985/2017 & CM APPL. 17539/2017 (stay)**

UNION OF INDIA & ORS

..... Petitioners

Through: Mr. Shailendra Tiwary, Advocate.

versus

SAMIR CHAKRABORTY & ORS

..... Respondents

Through: Ms. Asha Jain Madan and Mr.
Mukesh Jain, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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08.01.2020

1. The Court's attention has been drawn to the order dated 5th December, 2017, in terms of which the Petitioners "as an interim measure" were to re-fix the pension of the Respondents "by counting 50% of the casual and 50% of the temporary service of the Respondents".
2. In the meanwhile, the Supreme Court has delivered a judgment dated 24th March, 2017 in CA No. 3938/2017 (*Union of India v. Rakesh Kumar*) whereby in the case of a person similarly situated as the Respondents it has been held that for the purposes of pensionary benefits, 50% of the casual and 50% of the temporary service must be counted.
3. In view of the legal position laid down by the Supreme Court, the order dated 5th December, 2017 passed by this Court as an "interim measure" is to be treated as the final order in substitution of the impugned order of the

CAT dated 5th May, 2016 in the present matter.

4. The counsel for the Petitioners confirms that this Court's order dated 5th December, 2017 has now been implemented *qua* all the Respondents.

5. In that view of the matter, no further directions are called for. The petition and the pending application are accordingly disposed of.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 08, 2020

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