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

+ **W.P. (C) 10472/2020**

SATYA NARAYAN & ORS.Petitioners

Through: **Mr. Nikhil Palli, Advocate.**

Versus

UNION OF INDIA & ORS.Respondents

Through: **Mr. Akshay Makhija, Advocate**
with **Mr. Seerat Deep Singh** and
Mr. Anirudh Shukla, Advocate for
UOI.

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Date of Decision: 15th March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

CM APPL. 33125/2020 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, present application stands disposed of.

W.P. (C) 10472/2020

1. Present writ petition has been filed seeking a direction to the respondents to extend the benefit of Old Pension Scheme to the

petitioners who were selected as Const./GD in Border Security Force pursuant to Recruitment held in November, 2003 by Frontier Headquarters BSF, Rajasthan and Gujarat in August, 2003 as the petitioners are identically placed as the petitioners in the case of ***Tanaka Ram & Ors. vs. Union of India & Ors., W.P.(C) No.6680/2017*** having been selected pursuant to the same selection process.

2. Learned counsel for petitioners states that batchmates of most of the petitioners have been given benefit of Old Pension Scheme under various judgments passed by this Court in ***Patil Gopal Babulal & Ors. vs. Union of India & Ors., W.P.(C) 11646/2018***, ***Tanaka Ram & Ors. vs. Union of India & Ors., 2019 (174) DRJ 146 (DB)***; ***Shyam Kumar Choudhary & Ors. vs. Union of India*** being ***W.P.(C) No.1358 of 2017*** and ***Niraj Kumar Singh & Ors. vs. Union of India & Ors., W.P.(C) No.13129/2019***.

3. Learned counsel for the respondents prays for further time to file a counter-affidavit and verify the facts. However, since the batch of petitions on the same issue has already been disposed of, the prayer for time to file a counter-affidavit is declined.

4. Having regard to the fact that the present case also the advertisement/notification was issued in August, 2003 i.e. prior to introduction of the new Contributory Pension Scheme dated 22nd December, 2003 which came into force w.e.f. 01st January, 2004, this Court is of the view the petitioner cannot be deprived of the benefit of the Old Pension Scheme.

5. This is more so when the batchmates of the petitioners are getting this benefit under various judgments passed by this Court.

6. For the above reason, the petition is allowed and respondent is directed to extend the benefit of Old Pension Scheme to the petitioners and pass consequential orders within eight weeks from today.

7. Accordingly, present petition is disposed of.

MANMOHAN, J

ASHA MENON, J

MARCH 15, 2021

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