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

+ W.P. (C) 1569/2021

JASWINDER SINGH AND ORSPetitioners

Through: Mr. Ankur Chibber, Advocate

Versus

UNION OF INDIA AND ORSRespondents

Through: Ms. Rashmi Bansal, Sr. Panel
Counsel with Mr. Rajat Bhatia and
Ms. Rupali Nidhi Sahay,
Advocates

% Date of Decision: 15th February, 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. 4470/2021

Allowed, subject to just exceptions.

W.P. (C) 1569/2021

1. Present writ petition has been filed challenging the OM dated 17th February, 2020 to the extent that it declares that only those candidates whose results for recruitment were declared before 01st January, 2004 against vacancies occurring on or before 31st December, 2003, shall be eligible for coverage under the old pension scheme. Petitioners also pray for issuance of writ of mandamus directing the respondents to extend the benefit of old pension scheme to the petitioners as has been granted to

similarly situated persons through a catena of judgments passed by this Court and affirmed by the Supreme Court, from the date of appointment of the petitioners with all consequential benefits.

2. Learned counsel for the petitioners states that the Staff Selection Commission (SSC) had issued a common advertisement inviting applications for filling up the post of Sub-Inspectors in Central Police Organization (Sub-Inspector) Examination, 2003 through various levels of examination conducted by the SSC. He emphasises that as per the advertisement the last date for applying under the said advertisement was 18th July, 2003.

3. He states that the petitioners applied for the said post and accordingly appeared in written examination on 07th September, 2003 as well as for Physical Endurance Test during 17th November 2003 to 30th November, 2003 and interview as well as medical examination were held between February and April, 2004. According to him, the results were published in the newspaper during 22nd May, 2004 to 28th May, 2004.

4. Learned counsel for the petitioners points out that in the interregnum, a new Contributory Pension Scheme was introduced vide Notification dated 22nd December, 2003, which was to be implemented w.e.f. 01st January, 2004.

5. He contends that batchmates of the petitioners have been given benefit of Old Pension Scheme under various judgements 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 and Ors. vs. Union of India*** being ***W.P.(C) No.1358 of 2017, Niraj Kumar Singh & Ors. vs. Union***

of India & Ors., W.P.(C) No.13129/2019 and SI/MIN M.R. Gurjar & Ors. vs. Union of India & Ors., W.P.(C) 8208/2020.

6. Issue notice.

7. Ms. Rashmi Bansal, Advocate accepts notice on behalf of respondents. She prays for some time to file a counter-affidavit.

8. However, keeping in view the fact that similar matters have already been disposed of, the request for filing counter-affidavit is declined.

9. Having regard to the fact that in the present case also the advertisement/notification was issued in June, 2003 i.e. prior to coming into force of the present contributory pension scheme on 22nd December, 2003, this Court is of the opinion that petitioners cannot be deprived of the benefit of the Old Pension Scheme. This is more so when the batchmates of the petitioners are getting this benefit under various judgements passed by this Court.

10. For the above reasons, the petition is allowed. Respondents are directed to extend the benefit of Old Pension Scheme to each of these petitioners and pass consequential orders within a period of eight weeks from today. Accordingly, the writ petition stands disposed of.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 15, 2021

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