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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9328/2021 & CM APPL. 28972/2021

CT/PEON VIJAY KUMAR SHARMA

..... Petitioner

Through: Mr. N.L. Bareja, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Anju Gupta, Advocate.

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Date of Decision: 01st September, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

The matter has been heard by way of video conferencing.

1. Present writ petition has been filed challenging letter dated 23rd July, 2021 whereby the petitioner was not considered to be eligible for the Old Pension Scheme. Petitioner seeks a direction to the respondents to extend to the petitioner the benefits of his past service of 05 years 09 months and 02 days rendered in the office of the respondent No.2- The Director General of Police, CRPF, from 01st November, 1993 to 02nd August, 1999 towards his regular/present service and re-assign the date of his appointment to the post of CT/ Peon with effect from 29th October, 2003 to make him entitled to the

pensionary benefits under the Old Pension Scheme.

2. Learned counsel for the petitioner states that the respondents are depriving the petitioner of the benefits of his past service rendered in the office of respondent No.2 for the purposes of the pensionary benefits under the Old Pension Scheme. He states that since the petitioner has been given the benefits of age relaxation to the tune of 14 years 01 month and 06 days for his appointment as a CT/Peon, vide letter dated 26th June, 2009 in compliance with the directions given in the order dated 10th October, 2007 in W.P.(C) No.1535/2003, he ought to have been given the benefit of his past service rendered in the office of the respondents.

3. The order dated 10th October, 2007 passed in W.P.(C) No.1535/2003 is reproduced hereinbelow:-

“The petitioners have filed the present petition seeking quashing of the termination order whereby their services were terminated in September, 1999. The petitioners were recruited on a casual basis but have worked for different period of times running into couple of years.

Taking into consideration the facts and circumstances of the case and the pleadings on record, in our considered view, the only direction which can be issued to the respondents is that they shall consider the case of the petitioners in accordance with their rules as and when regular recruitment takes place giving some weightage for the services rendered by the petitioners in the past.

Petition stands disposed of.”

4. In the opinion of this Court, there is no direction in the aforesaid order directing the respondents to give benefit to the petitioner of his past service so as to make him entitled to the pensionary benefits under the Old Pension Scheme. The arguments advanced by the petitioner are contrary to facts and untenable in law. Accordingly, the present writ petition and application,

being bereft of merits, are dismissed.

5. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

SEPTEMBER 1, 2021

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