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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 23.11.2023

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W.P.(C) 5764/2021 & CM APPL. 14738/2022

RAJESH CHAUHAN AND ORS

..... Petitioners

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioners:

Mr. Ankur Chhibber with Mr.Nikunj Arora and Mr. Shivam Rai, Advs.

For the Respondents:

Mr. Ruchir Mishra with Mr. Sanjiv Kumar Saxena, Mr. Mukesh Kumar Tiwari, Ms. Poonam Shukla and Ms.Reba Jena Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 34228/2023 (condonation of delay)

1. For the reasons stated in the application, delay in filing the status report is condoned. The status report is taken on record.



2. Application is disposed of.

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3. Petitioner seeks a direction to the respondents to promote the petitioners to the rank of Assistant Commandant, if found fit from the date their juniors have been promoted and also to grant them the benefits of Old Pension Scheme if their appointment relates back to the date when the juniors were promoted along with all consequently benefits.

4. Status report has been filed by the respondents. In respect of each of the petitioners, it has been stated that the said petitioner have has been found within the ambit of the Office Memorandum dated 17.02.2022 and have been promoted to the rank of Assistant Commandant as on the date their juniors were promoted. Date of promotion of each of the petitioners is separately mentioned in a table in paragraph 3 of the status report. It has also been stated that since the petitioners have been found within the ambit of the said Office Memorandum, they have been extended the benefits of the Old Pension Scheme.

5. With regard to the consequential benefits being accorded to the petitioner, learned counsel for the respondents submits that the process is underway and petitioner shall be given the consequential benefits as expeditiously as possible.

6. In view of the above, the petition is disposed of taking the above submission on record and also directing the respondents to grant consequential benefits to the petitioner in view of having been



granted retrospective seniority and also being covered under the Old Pension Scheme. The benefit be granted preferably within a period of three months.

7. The petition is allowed in the above terms.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

NOVEMBER 23, 2023

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