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

% ***Date of decision: February 8, 2023***

+ **W.P.(C) 6916/2021**

HIMMAT SINGH CHAUHAN

..... Petitioner

Through: **Mr. Zahid Hanief, Advocate**

versus

UNION OF INDIA & ANR.

..... Respondents

Through: **Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Hemendra Singh, DC (Law),
BSF for UOI**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present writ petition, petitioner seeks following relief(s):

“(a) Pass an appropriate writ/orders/direction in the nature of mandamus or any other appropriate writ, order or direction thereby directing Respondents to count the previous service of the Petitioner of three years and one month rendered in State Police of Rajasthan Government for the purpose of entitlement under Old Pension Scheme (Non-Contributory Pension Scheme) and accordingly rectify and change to Old Pension Scheme, 1972 from New Pension Scheme 2004.

(b) Pass an appropriate writ/orders/direction in the nature of mandamus or any other appropriate writ, order or direction thereby directing Respondents to extend the benefit of Old Pension Scheme to Petitioner and pass consequential order/s.

(c) Pass an appropriate writ/orders/direction in the nature of mandamus or any other appropriate writ, order or direction thereby directing Respondents to refund or adjust in Old Pension scheme, the contributed 10% amount of salary collected through New Pension Scheme, since 2005.

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(d) Pass such other and further orders or directions as this Hon'ble Court may deem fit and proper in the present facts and circumstances of the case and in the interest of justice."

2. Pursuant to order dated 26.09.2022, a short affidavit has been filed by the respondents stating in paras 2 and 3 as under:

"2. That as per statement issued by Pay and Account Division, Border Security Force, New Delhi, total amount of Rs. 8,62,990/- from the month of Apr 2005 to March 2022 were contributed by Shri Himmat Singh Chauhan, AC (IRLA NO. 11530275) of 146 Bn BSF in NPS account as 10% of the salary contribution (Annexure-A). The same contribution alongwith interest have now been credited/adjusted to GPF account of officer in two term during the month of Apr 2022 i.e. Rs. 6,62,407/- & Rs. 7,57,575/- (Annexure-B).

3. That the total amount for Rs. 14,19,982/- (10% of the salary contribution and interest thereon) have been credited/adjusted to GPF account from NPS account of officer in two term during the month of April 2022 i.e. Rs. 6,62,407/- & Rs. 7,57,575/(Annexure-B)."

3. Learned counsel for petitioner submits that in terms of the short affidavit filed by the respondents, nothing survives in the present petition.

4. In view of above, the present petition is disposed of being infructuous.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 8, 2023/rk