



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

%

Date of Decision: August 29, 2023

63

+ W.P.(C) 11486/2023 & CM APPLs. 44734/2023, 44735/2023 & 44736/2023

VIKRAMJIT KAUR AND ORS.

..... Petitioners

Through: Ms. Sriparna Chatterjee and Ms. Soumitra Chatterjee, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Avnish Singh, SPC with Mr. Santosh Kumar Yadav, Mr. Aditya Vikram Dambla, Mr. Vishal Kumar Yadav and Ms. Kanchan Kumar, Advocates for UOI.

Mr. Vivek Nagar, Adv.. and Mr. Mohit Auluck, G.P. for R-1/UOI.

Mr. S. Rajappa and Mr. R. Gowrishankar, Advocates for R-4, R-5 & R-6.

64

+ W.P.(C) 11487/2023 & CM APPLs. 44737/2023, 44738/2023 & 44739/2023

SARITA YADAV AND ORS.

..... Petitioners

Through: Ms. Sriparna Chatterjee and Ms. Soumitra Chatterjee, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Avnish Singh, SPC with Mr. Santosh Kumar Yadav, Mr. Aditya Vikram Dambla, Mr. Vishal Kumar Yadav and Ms. Kanchan Kumar, Advocates for UOI.

Mr. Vivek Nagar, Adv.. and Mr. Mohit Auluck, G.P. for R-1/UOI.



Mr. S. Rajappa and Mr. R. Gowrishankar, Advocates for R-3 & R-4.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 44735/2023

CM APPL. 44738/2023

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

CM APPL. 44736/2023

CM APPL. 44739/2023

For the reasons stated in the applications, the documents are allowed to be filed on record.

Applications stand disposed of.

W.P.(C) 11486/2023 & CM APPL. 44734/2023

W.P.(C) 11487/2023 & CM APPL. 44737/2023

1. This petition has been filed with the following prayers:

“i) pass an order holding the non grant of interim relief by tribunal order dated 13.07.2023 and 17.07.2023, 11.08.2023 is bad in law; and/or

ii) Issue a writ of mandamus directing the Respondents to permit the Petitioners to exercise their option before the cut-off date for opting the CCS Pension Rules 1972 (2021)/Old Pension Scheme, pending disposal of the proceedings before the Hon'ble Tribunal.”

“i) quash the order dated 9.08.2023 to the extent of decline of interim



relief by the tribunal; and/or

ii) Issue a writ of mandamus directing the Respondents to permit the Petitioners to exercise their option before the cut-off date for opting the CCS Pension Rules 1972 (2021)/Old Pension Scheme, pending disposal of the proceedings before the Hon'ble Tribunal.”

2. The submission of Ms. Chatterjee, learned counsel for the petitioners is that though the issue with regard to the applicability of O.M. March 03, 2023, issued by Ministry of Finance on Old Pension Scheme, is being contested by the respondents qua the employees of Kendriya Vidyalaya Sangathan, the Tribunal vide the impugned orders, has not allowed the interim relief in favour of the petitioners herein for submitting their option.

3. Mr. Rajappa, who appears for Kendriya Vidyalaya Sangathan, on instructions, submits that if the petitioners succeed before the Tribunal, the Tribunal can direct the respondents to seek options from the applicants for being covered under the Old Pension Scheme. If that be so, taking the statement made by Mr. Rajappa on record, the petition is disposed of.

4. It is made clear that we have not expressed ourselves on the merits of the issue, which arises for consideration in this petition or in the O.A. before the Tribunal.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

August 29, 2023/akc