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

+ W.P.(C) 1691/2024

UNION OF INDIA THROUGH SECRETARY & ANR.

.....Petitioners

Through: Mr.S.N.Verma, Mr.S.Sunil, Mr.Kapil
Agnihotri, Advs. with Mr.Mayank Tiwari,
departmental representative.

versus

LATE DR NUSRAT HAMEED KHAN THROUGH LRS MRS
ZEENAT HAMEED KHAN & ORS.Respondents

Through: Mr.K.C.Mittal, Mr.Yugansh Mittal,
Mr.Madhur Gupta, Mr.Keshav Poonia &
Ms.Rekha Khann Verma, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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29.07.2024

CM APPL. 42114/2024 (delay of 126 days)

REVIEW PET. 274/2024

1. The present review petition preferred by the petitioner seeks review of order dated 06.02.2024 vide which this Court had rejected the petitioners' challenge to the order dated 02.06.2023 passed by the learned Central Administrative Tribunal in O.A. No.240/2021. Vide the impugned order dated 02.06.2023, the learned Tribunal had by taking into account that even though the respondents were regularised on 03.02.2004, they had been rendering service as Assistant Research Officers (*Unani*) since 1996 itself, directed the petitioners to extend the benefit of the Old Pension Scheme i.e. the Pension Scheme under



the CCS (Pension) Rules, 1972, to the respondents.

2. The present review petition has been filed on the premise that the plea of the learned counsel for the respondents before this Court that even in 1996, the respondents had been appointed against regular vacancies was incorrect. Learned counsel for the petitioners submits that though the respondents are general category candidates, they were, in 1996, appointed against reserved category vacancies and therefore, their plea that they had been appointed against regular vacancies is incorrect. He, therefore, prays that the order dated 06.02.2024 be recalled and the review petition be allowed.
3. Even though this submission is denied by learned counsel for the respondents, we are of the view that nothing turns on this plea of the petitioners as the fact that the respondents were discharging duties since 1996 remains undisputed. In these circumstances, when it remains an admitted position that the respondents have been rendering service as Assistant Research Officers (*Unani*) since 1996, the learned Tribunal was justified in directing that they should be extended the benefit of the Old Pension Scheme. We, therefore, find no reason to review our order dated 06.02.2024.
4. The review petition along with the accompanying application is, accordingly, dismissed.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 29, 2024/kk