



2024:DHC:8318-DB



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

Date of decision: 25.10.2024

+ **W.P.(C) 2168/2023**

MAHAVIR SINGH

.....Petitioner

Through: **Ms. Anjali Kumari, Ms. Shiv
Priya & Mr. Jitendra Kr. Singh,
Advs.**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Mr. Vivek Goyal, CGSPC with
Mr. Gokul Sharma (GP)**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. The present petition has been filed by the petitioner praying for the following reliefs:

*“i. Issue a Writ of Certiorari seeking quashing of the impugned order dated 13.10.2022 passed by Respondents denying grant of disability pension to the Petitioner;
ii. Issue a Writ of Mandamus thereby directing the Respondents to grant disability pension to the Petitioner instead of Invalid Pension w.e.f. 31.08.2020 i.e. the date he was invalidated out of service with 81 % disability alongwith Ex-gratia lump sum compensation in terms of O.M. No. 27011 /64/2009-R & W dated 21.04.2011 issued by Government of India;”*



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2. Learned counsel for the petitioner fairly submits that as far as the grant of disability pension is concerned, by way of a Pension Payment Order (PPO) dated 28.02.2024 the respondent has granted disability pension to the petitioner, therefore, the said prayer has been rendered infructuous.

3. As far as the claim of *ex gratia* lumpsum compensation is concerned, the respondents in their counter affidavit have stated that for consideration of the same, the file has been moved to be taken up on priority basis by the competent authority.

4. In view of the stand taken by the respondents, we dispose of the present petition by directing the respondents to decide the claim of the petitioner for the grant of *ex gratia* lumpsum compensation, by way of a speaking order, within a period of eight weeks from today. The respondents while deciding the same must keep in view the O.M. dated 21.04.2011. In case the claim of the petitioner is rejected, the petitioner would be at liberty to challenge the same in accordance with law. In case the claim of the petitioner is accepted, the respondents must, within a period of two weeks therefrom, release all payments due to the petitioner.

5. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 25, 2024/ab/f/VS

Click here to check corrigendum, if any