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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3403/2024, CM APPL. 13913/2024 –Stay & CM APPL. 13914/2024 -Ex.

UNION OF INDIA AND OTHERS

..... Petitioner

Through: Mr. Subhash Tanwar, CGSC with Mr. Sandeep Mishra, Mr. Ashish Choudhary, Advs. for UOI.

versus

PRADEEP KUMAR

..... Respondent

Through: Respondent in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

06.03.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 28.04.2023 passed by the learned Central Administrative Tribunal in O.A. 1947/2022. Vide the impugned order, the learned Tribunal has partly allowed the O.A. filed by the respondent by directing the petitioner to consider the respondent's option for coverage under the CCS (Pension) Rules, 1972 (commonly known as Old Pension Scheme) and decide the same within a period of six weeks.
2. Learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that the respondent had merely appeared before the Screening Committee on 30.12.2003 and was not given any offer of appointment by that date and was therefore, not eligible for



pension under the Old Pension Scheme.

3. Having perused the impugned order, we find that, at this stage, the learned Tribunal has given no finding holding the respondent to be eligible for grant of pension under the Old Pension Scheme and has left the matter for consideration of the petitioners.
4. In the light of the aforesaid, when under the impugned order it has been left to the wisdom of the petitioners to consider the respondent's eligibility for being covered under the Old Pension Scheme, we do not find any reason to entertain the present petition. The same is, accordingly, dismissed.
5. The petitioners are, however, granted four weeks' time to comply with the impugned order.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 6, 2024
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