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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CM APPL. 23490/2024

IN

+ W.P.(C) 4070/2024

AKSHAYA KUMAR PARIDA

..... Petitioner

Through:

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Neeraj, SPC with Mr. Vednash
Anand, GP, Mr. Rudra Paliwal,
Mr. Mahesh Kumar Rathore and
Mr. Sanja Pal, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.04.2024

CM APPL. 23490/2024

1. This application seeks the modification of the order dated March 18, 2024, wherein we have stated as under:-

“1. This petition has been filed by the petitioner with the following prayers:-

i. Issue a writ of Certiorari or any other writ, order or direction thereby calling for records and quash the PPO bearing number 02184170161 dated 01.06.2017 and issue a fresh PPO in favour of the petitioner as per the last drawn grade pay of the petitioner.

ii. Issue a writ of Mandamus or any other writ, order or direction thereby directing the respondent to treat the notional date of retirement of the Petitioner as 30.04.2020 (i.e. on completion of 60 years of age) and calculate retirement benefits in accordance with the same and pay



arrears of pension along with 12% interest to the petitioner.

iii. Issue a writ of Mandamus or any other writ, order or direction thereby directing the respondents to grant the benefit of MACP scheme to the petitioner w.e.f. 01.04.2018 (i.e. 10 years after promotion to the rank of Inspector/GD), @ grade pay of Rs. 5400/-(Level-9) i.e. the grade pay of Assistant Command (the next promotional post after the rank of Inspector/Subedar Major) and pay arrears along with 12% interest to the petitioner

iv. Issue any other order this Hon'ble Court deems fit in the interest of justice.

2. Learned counsel for the respondents who appears on an advance notice states that the petition shall be considered as a representation of the petitioner and the same shall be disposed of within eight weeks as an outer limit.

3. If that be so, taking the statement of the counsel for the respondents on record, the petition is disposed of.

4. The petitioner, if aggrieved by the order to be passed by the respondents, shall be at liberty to approach the Court in accordance with law.”

2. The modification is sought on the ground that the prayers depicted in paragraph 1 are not the same which have been made by the petitioner in the writ petition.

3. We agree with the said submission of the learned counsel for the respondents/applicants. There being an inadvertent error, the order dated March 18, 2024, is modified and henceforth it shall be read as under:-

“1. This petition has been filed by the petitioner with the following prayers:-

(i) Issue a writ of mandamus directing the respondents to make payment of interest @ 10% to the petitioner for delayed payment of General Provident Fund and Death Cum Retirement Gratuity for the period from such payments were due and payable to the petitioner i.e.



01.06.2022 till the date of making of said payments;

(ii) Direct the respondents to pay litigation costs to the petitioner”

(iii) Pass any such other orders as it may deem fit to this Hon'ble Court In the facts and circumstances of the case.

2. Learned counsel for the respondents who appears on an advance notice states that the petition shall be considered as a representation of the petitioner and the same shall be disposed of within eight weeks as an outer limit.

3. If that be so, taking the statement of the counsel for the respondents on record, the petition is disposed of.

4. The petitioner, if aggrieved by the order to be passed by the respondents, shall be at liberty to approach the Court in accordance with law.”

4. The application is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

APRIL 26, 2024/ds