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

\+ W.P.(C) 10072/2021

SURENDER PAL SINGH .....Petitioner

Through: Mr. P. Sureshan, Adv.

versus

UNION OF INDIA THROUGH DIRECTOR GENERAL CISF & ORS. .....Respondents

Through: Mr. Sandeep Tyagi, SPC with Mr. Shravan Adithya, AC, CISF.

**CORAM:**
**HON'BLE MS. JUSTICE REKHA PALLI**
**HON'BLE MS. JUSTICE SHALINDER KAUR**

**O R D E R**

% **09.09.2024**

1. By the way of the present writ petition under Article 226 of the Constitution of India, the petitioner, who has superannuated from CISF as a Head Constable, has approached this Court seeking the following reliefs:-

> "*a) Quash and set aside the Service Order Part-II No. 179 of 2021 dated 2.2.2021, with subject as AMENDMENT OF FIXATION OF PAY', and also the letter dated 1.4.2021 issued by the office of the respondents.*
> *Consequentially*
> *b) Pass a writ of mandamus directing the respondents to grant full pension on the basic pay of Rs 52000/- in level- 6 to the petitioner along with full leave encashment towards 219 days of EL and 16 Days of HPL and other retiral benefit.*
> *c) Direct the respondents to pay entire arrears of payment as above along with 18% interest from the date it become due and payable.*
> *d) To direct the respondent to pay costs of this litigation."*

2. The learned counsel for the petitioner submits that the discrepancy in the petitioner's pay fixation has arisen only on account of the fact that despite the dismissal order dated 04.07.2000 having been set aside by the

Apex Court by directing the respondents to pay all consequential benefits with 50% back wages, the respondents are still treating the period between 19.11.1999 and 24.07.2001 during which he was suspended in contemplation of the department inquiry leading to dismissal as *dies non*.

3. After some arguments, learned counsel for the respondents on instructions, submits that taking into account the categoric directions of the Apex Court issued on 03.02.2017, the respondents will pass a fresh order and consequently, revise not only the arrears payable to him towards salary but also his terminal benefits including pension.

4. Even though we must express our anguish that the respondents have taken more than seven years to understand the categoric directions issued by the Apex Court on 03.02.2017. In the light of the stand now taken before us by the respondents. We allow the writ petition by taking the respondents' aforesaid statement on record. Consequently, we grant the respondents twelve weeks' to pass an order treating the period between 19.11.1999 and 24.07.2001 as spent on duty and pay all arrears.

5. It is further directed that in case the respondents do not release the arrears in terms of this order within twelve weeks, same will bear interest at the rate of 8% per annum, reckoned w.e.f. today.

**REKHA PALLI, J**

**SHALINDER KAUR, J**

**SEPTEMBER 9, 2024**
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