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

+ **W.P.(C) 8820/2024**

JUNGBIR SINGH & ORS.

..... Petitioners

Through: **Mr. Raj Singh Phogat, Adv.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Vatsal Joshi and Mr. Hussain
Taqvi, Advs. for UOI.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **01.07.2024**

CM APPL. 35842/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The petitioners who are members of the Indian Coast Guard have approached this Court under Article 226 of the Constitution of India seeking a direction to the respondents to extend the benefits of the Pension Scheme under the CCS (Pension) Rules, 1972, commonly known as the Old Pension Scheme, by treating them as members of the Armed Force of Union of India under the Ministry of Defence.
4. Learned counsel for the petitioners submits that this Court in a batch of petitions including W.P.(C) No. 12712/2021 titled as “**Pawan Kumar vs.**



Union of India & Ors.” has already held that the Notification dated 22.12.2003 vide which the Contributory Pension Scheme, commonly known as the New Pension Scheme, was introduced was not applicable to the members of the Armed Forces of the Union of India. He, therefore, contends that the petitioners who are entitled to be treated as members of the Armed Force, would not fall within the ambit of the New Pension Scheme and would therefore be entitled to be extended the benefits of the Old Pension Scheme. He, however, concedes that the decision of this Court in **Pawan Kumar** (supra) has been assailed and has been stayed by the Apex Court.

5. In these circumstances, when the very decision based on which the present petition has been filed, has been stayed, we are of the view that no useful purpose would be served by entertaining the present petition at this stage. We accordingly dispose of the petition by granting liberty to the petitioners to seek revival of the petition in case the challenge to this Court's decision in **Pawan Kumar** (supra) is rejected by the Apex Court.

REKHA PALLI, J.

SHALINDER KAUR, J.

JULY 1, 2024
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