



2024:DHC:6858-DB



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

Date of Decision:- 04.09.2024

+ W.P.(C) 2986/2024

UNION OF INDIA & ORS.

.....Petitioners

versus

EX/NK CHINNA VEDIYAPPAN

.....Respondent

along with

W.P.(C) 9774/2024, CM APPL. 40115/2024 & CM APPL. 40116/2024

W.P.(C) 9806/2024, CM APPL. 40187/2024 & CM APPL. 40188/2024

W.P.(C) 9835/2024, CM APPL. 40370/2024, CM APPL. 40371/2024

W.P.(C) 9884/2024 & CM APPL. 40568/2024

W.P.(C) 9898/2024 & CM APPL. 40638/2024

W.P.(C) 9912/2024 & CM APPL. 40670/2024

W.P.(C) 2126/2024 & CM APPL. 8852/2024

W.P.(C) 2127/2024, CM APPL. 8855/2024

W.P.(C) 2128/2024, CM APPL. 8858/2024

W.P.(C) 2144/2024, CM APPL. 8916/2024

W.P.(C) 2146/2024, CM APPL. 8920/2024

W.P.(C) 2153/2024, CM APPL. 8937/2024

W.P.(C) 2166/2024, CM APPL. 8963/2024

W.P.(C) 2251/2024, CM APPL. 9363/2024

W.P.(C) 2517/2024, CM APPL. 10294/2024

W.P.(C) 2550/2024, CM APPL. 10461/2024

W.P.(C) 2555/2024, CM APPL. 10473/2024

W.P.(C) 2627/2024, CM APPL. 10798/2024

W.P.(C) 2654/2024, CM APPL. 10889/2024

W.P.(C) 2667/2024, CM APPL. 10908/2024

W.P.(C) 2690/2024, CM APPL. 10982/2024

W.P.(C) 2711/2024, CM APPL. 11044/2024

W.P.(C) 2716/2024, CM APPL. 11080/2024

W.P.(C) 2732/2024

W.P.(C) 2748/2024, CM APPL. 11173/2024

W.P.(C) 2863/2024,

W.P.(C) 2879/2024,

W.P.(C) 2885/2024,



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W.P.(C) 2886/2024,
W.P.(C) 2923/2024, CM APPL. 12067/2024, CM APPL. 12068/2024,
W.P.(C) 2932/2024, CM APPL. 12085/2024,
W.P.(C) 2954/2024
W.P.(C) 2957/2024, CM APPL. 12174/2024
W.P.(C) 2969/2024, CM APPL. 12200/2024
W.P.(C) 2977/2024
W.P.(C) 2978/2024
W.P.(C) 2981/2024
W.P.(C) 2982/2024
W.P.(C) 10361/2024, CM APPL. 42533/2024
W.P.(C) 10806/2024, CM APPL. 44447/2024
W.P.(C) 10861/2024, CM APPL. 44683/2024
W.P.(C) 11015/2024, CM APPL. 45483-45485/2024
W.P.(C) 11212/2024, CM APPL. 46383/2024
W.P.(C) 11310/2024, CM APPL. 46863/2024
W.P.(C) 2992/2024, CM APPL. 12316/2024
W.P.(C) 2997/2024, CM APPL. 12333/2024, CM APPL. 12334/2024
W.P.(C) 2999/2024
W.P.(C) 3017/2024
W.P.(C) 3082/2024
W.P.(C) 3141/2024, CM APPL. 12857/2024
W.P.(C) 3149/2024, CM APPL. 13043/2024
W.P.(C) 3183/2024, CM APPL. 13118/2024
W.P.(C) 3188/2024, CM APPL. 13128/2024
W.P.(C) 3206/2024, CM APPL. 13165/2024
W.P.(C) 3216/2024, CM APPL. 13211/2024
W.P.(C) 3226/2024, CM APPL. 13277/2024
W.P.(C) 3389/2024
W.P.(C) 3409/2024, CM APPL. 13928/2024, CM APPL. 13929/2024
W.P.(C) 3435/2024, CM APPL. 14022/2024
W.P.(C) 3443/2024, CM APPL. 14035/2024, CM APPL. 14036/2024
W.P.(C) 3448/2024, CM APPL. 14045/2024
W.P.(C) 3505/2024, CM APPL. 14302/2024
W.P.(C) 3508/2024, CM APPL. 14309/2024
W.P.(C) 3601/2024, CM APPL. 14794/2024
W.P.(C) 3647/2024, CM APPL. 15100/2024
W.P.(C) 3658/2024, CM APPL. 15126/2024, CM APPL. 15127/2024



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W.P.(C) 3701/2024, CM APPL. 15203/2024, CM APPL. 15205/2024
W.P.(C) 3715/2024, CM APPL. 15251/2024
W.P.(C) 3717/2024
W.P.(C) 3790/2024, CM APPL. 15583/2024
W.P.(C) 3810/2024, CM APPL. 15662/2024, CM APPL. 15663/2024
W.P.(C) 3813/2024, CM APPL. 15670/2024
W.P.(C) 3814/2024, CM APPL. 15673/2024
W.P.(C) 3816/2024, CM APPL. 15677/2024, CM APPL. 15678/2024
W.P.(C) 3818/2024, CM APPL. 15682/2024, CM APPL. 15683/2024
W.P.(C) 3819/2024, CM APPL. 15685/2024, CM APPL. 15686/2024
W.P.(C) 3820/2024, CM APPL. 15692/2024, CM APPL. 15693/2024
W.P.(C) 3822/2024, CM APPL. 15698/2024
W.P.(C) 3824/2024, CM APPL. 15704/2024
W.P.(C) 3850/2024, CM APPL. 15881/2024, CM APPL. 15882/2024
W.P.(C) 3854/2024, CM APPL. 15893/2024, CM APPL. 15895/2024
W.P.(C) 3870/2024, CM APPL. 15972/2024, CM APPL. 15973/2024
W.P.(C) 3891/2024, CM APPL. 16019/2024, CM APPL. 16020/2024
W.P.(C) 4001/2024, CM APPL. 16364/2024
W.P.(C) 4002/2024, CM APPL. 16367/2024
W.P.(C) 4005/2024, CM APPL. 28460/2024
W.P.(C) 4006/2024
W.P.(C) 4032/2024, CM APPL. 16428/2024, CM APPL. 16430/2024
W.P.(C) 4278/2024, CM APPL. 17566/2024
W.P.(C) 4050/2024, CM APPL. 16525/2024
W.P.(C) 4052/2024, CM APPL. 16531/2024
W.P.(C) 4178/2024, CM APPL. 17108/2024
W.P.(C) 4194/2024, CM APPL. 17148/2024, CM APPL. 17150/2024
W.P.(C) 4197/2024, CM APPL. 17154/2024
W.P.(C) 4223/2024, CM APPL. 17234/2024
W.P.(C) 4253/2024, CM APPL. 17290/2024
W.P.(C) 4267/2024, CM APPL. 17443/2024
W.P.(C) 4280/2024, CM APPL. 17571/2024
W.P.(C) 4284/2024, CM APPL. 17581/2024, CM APPL. 17582/2024
W.P.(C) 4285/2024, CM APPL. 17590/2024
W.P.(C) 4300/2024, CM APPL. 17623/2024, CM APPL. 17624/2024
W.P.(C) 4301/2024, CM APPL. 17626/2024, CM APPL. 17627/2024
W.P.(C) 4311/2024, CM APPL. 17682/2024, CM APPL. 17683/2024
W.P.(C) 4313/2024, CM APPL. 17686/2024, CM APPL. 17687/2024



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W.P.(C) 4314/2024, CM APPL. 17689/2024, CM APPL. 17690/2024
W.P.(C) 4329/2024, CM APPL. 17727/2024, CM APPL. 17728/2024
W.P.(C) 4331/2024, CM APPL. 17732/2024
W.P.(C) 4335/2024, CM APPL. 17742/2024
W.P.(C) 4347/2024, CM APPL. 17835/2024
W.P.(C) 4351/2024, CM APPL. 17847/2024
W.P.(C) 4359/2024, CM APPL. 17869/2024
W.P.(C) 4361/2024, CM APPL. 17874/2024
W.P.(C) 4397/2024, CM APPL. 17988/2024
W.P.(C) 4426/2024, CM APPL. 18070/2024
W.P.(C) 4428/2024, CM APPL. 18097/2024
W.P.(C) 4429/2024, CM APPL. 18101/2024
W.P.(C) 4496/2024, CM APPL. 18394/2024
W.P.(C) 4541/2024
W.P.(C) 4543/2024
W.P.(C) 4544/2024
W.P.(C) 4547/2024
W.P.(C) 4549/2024, CM APPL. 18622/2024
W.P.(C) 4550/2024
W.P.(C) 4551/2024
W.P.(C) 4552/2024, CM APPL. 18650/2024
W.P.(C) 4553/2024
W.P.(C) 4619/2024
W.P.(C) 4717/2024, CM APPL. 19295/2024
W.P.(C) 4812/2024, CM APPL. 19700/2024, CM APPL. 19701/2024
W.P.(C) 4819/2024, CM APPL. 19711/2024
W.P.(C) 4893/2024, CM APPL. 19959/2024
W.P.(C) 4894/2024
W.P.(C) 4906/2024
W.P.(C) 4982/2024, CM APPL. 20382/2024
W.P.(C) 4983/2024, CM APPL. 20384/2024
W.P.(C) 5012/2024, CM APPL. 20432/2024
W.P.(C) 5016/2024, CM APPL. 20524/2024
W.P.(C) 5032/2024, CM APPL. 20607/2024
W.P.(C) 5040/2024, CM APPL. 20682/2024
W.P.(C) 5073/2024, CM APPL. 20830/2024, CM APPL. 20831/2024
W.P.(C) 5087/2024, CM APPL. 20890/2024, CM APPL. 20891/2024
W.P.(C) 5181/2024



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W.P.(C) 5232/2024, CM APPL. 21448/2024
W.P.(C) 5276/2024, CM APPL. 21582/2024, CM APPL. 21583/2024
W.P.(C) 5291/2024, CM APPL. 21606/2024
W.P.(C) 5295/2024, CM APPL. 21740/2024
W.P.(C) 5322/2024
W.P.(C) 5344/2024, CM APPL. 21912/2024, CM APPL. 21913/2024
W.P.(C) 5389/2024
W.P.(C) 5439/2024, CM APPL. 22460/2024, CM APPL. 22462/2024
W.P.(C) 5442/2024, CM APPL. 22472/2024
W.P.(C) 5486/2024, CM APPL. 22594/2024, CM APPL. 22595/2024
W.P.(C) 5489/2024, CM APPL. 22598/2024
W.P.(C) 5492/2024, CM APPL. 22603/2024
W.P.(C) 5494/2024, CM APPL. 22607/2024, CM APPL. 22608/2024
W.P.(C) 5532/2024, CM APPL. 22755/2024
W.P.(C) 5533/2024, CM APPL. 22758/2024, CM APPL. 22759/2024
W.P.(C) 5547/2024, CM APPL. 22887/2024
W.P.(C) 5570/2024
W.P.(C) 5572/2024, CM APPL. 23024/2024
W.P.(C) 5581/2024, CM APPL. 23039/2024
W.P.(C) 5584/2024, CM APPL. 23046/2024, CM APPL. 23047/2024
W.P.(C) 5603/2024, CM APPL. 23083/2024
W.P.(C) 5613/2024
W.P.(C) 5636/2024, CM APPL. 23246/2024
W.P.(C) 5643/2024
W.P.(C) 5644/2024
W.P.(C) 5645/2024
W.P.(C) 5675/2024, CM APPL. 23450/2024, CM APPL. 23451/2024
W.P.(C) 5680/2024, CM APPL. 23474/2024
W.P.(C) 5725/2024, CM APPL. 23597/2024
W.P.(C) 5730/2024, CM APPL. 23606/2024, CM APPL. 23607/2024
W.P.(C) 5784/2024, CM APPL. 23950/2024
W.P.(C) 5799/2024, CM APPL. 23978/2024, CM APPL. 23979/2024
W.P.(C) 5845/2024, CM APPL. 24170/2024
W.P.(C) 5854/2024
W.P.(C) 5855/2024, CM APPL. 24198/2024, CM APPL. 24199/2024
W.P.(C) 5895/2024, CM APPL. 24327/2024
W.P.(C) 5922/2024
W.P.(C) 5924/2024



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W.P.(C) 5925/2024
W.P.(C) 5926/2024
W.P.(C) 5948/2024, CM APPL. 24726/2024
W.P.(C) 5963/2024
W.P.(C) 5967/2024
W.P.(C) 5969/2024
W.P.(C) 5972/2024, CM APPL. 24781/2024
W.P.(C) 6010/2024, CM APPL. 24980/2024
W.P.(C) 6011/2024, CM APPL. 24984/2024
W.P.(C) 6012/2024, CM APPL. 24988/2024, CM APPL. 24989/2024
W.P.(C) 6064/2024, CM APPL. 25200/2024
W.P.(C) 6100/2024, CM APPL. 25324/2024, CM APPL. 25325/2024
W.P.(C) 6108/2024, CM APPL. 25352/2024
W.P.(C) 6171/2024, CM APPL. 25677/2024
W.P.(C) 6181/2024, CM APPL. 25699/2024, CM APPL. 25700/2024
W.P.(C) 6207/2024, CM APPL. 25872/2024
W.P.(C) 6246/2024, CM APPL. 26051/2024, CM APPL. 26052/2024
W.P.(C) 6247/2024, CM APPL. 26055/2024
W.P.(C) 6248/2024, CM APPL. 26058/2024, CM APPL. 26059/2024
W.P.(C) 6292/2024, CM APPL. 26227/2024
W.P.(C) 6306/2024, CM APPL. 26274/2024, CM APPL. 26275/2024
W.P.(C) 6343/2024, CM APPL. 26352/2024, CM APPL. 26353/2024
W.P.(C) 6348/2024, CM APPL. 26363/2024, CM APPL. 26364/2024
W.P.(C) 6357/2024, CM APPL. 26382/2024, CM APPL. 26383/2024
W.P.(C) 6360/2024, CM APPL. 26392/2024, CM APPL. 26393/2024
W.P.(C) 6385/2024, CM APPL. 26522/2024, CM APPL. 26523/2024
W.P.(C) 6387/2024, CM APPL. 26527/2024, CM APPL. 26528/2024
W.P.(C) 6396/2024, CM APPL. 26581/2024, CM APPL. 26582/2024
W.P.(C) 6397/2024, CM APPL. 26584/2024, CM APPL. 26585/2024
W.P.(C) 6400/2024, CM APPL. 26589/2024, CM APPL. 26590/2024
W.P.(C) 6401/2024, CM APPL. 26592/2024, CM APPL. 26593/2024
W.P.(C) 6402/2024, CM APPL. 26597/2024, CM APPL. 26598/2024
W.P.(C) 6403/2024, CM APPL. 26600/2024, CM APPL. 26601/2024
W.P.(C) 6405/2024, CM APPL. 26604/2024, CM APPL. 26605/2024
W.P.(C) 6406/2024, CM APPL. 26607/2024, CM APPL. 26608/2024
W.P.(C) 6407/2024, CM APPL. 26610/2024, CM APPL. 26611/2024
W.P.(C) 6419/2024, CM APPL. 26654/2024, CM APPL. 26655/2024
W.P.(C) 6453/2024, CM APPL. 26876/2024, CM APPL. 26877/2024



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W.P.(C) 6466/2024, CM APPL. 26946/2024, CM APPL. 26947/2024
W.P.(C) 6509/2024, CM APPL. 27146/2024, CM APPL. 27147/2024
W.P.(C) 6514/2024, CM APPL. 27216/2024, CM APPL. 27217/2024
W.P.(C) 6528/2024, CM APPL. 27238-27239/2024

W.P.(C) 6563/2024, CM APPL. 27333/2024, CM APPL. 27334/2024
W.P.(C) 6564/2024, CM APPL. 27339/2024, CM APPL. 27340/2024
W.P.(C) 6605/2024, CM APPL. 27513/2024, CM APPL. 27514/2024
W.P.(C) 6713/2024, CM APPL. 27963/2024, CM APPL. 27964/2024
W.P.(C) 6741/2024, CM APPL. 28117/2024, CM APPL. 28118/2024
W.P.(C) 6781/2024, CM APPL. 28270/2024, CM APPL. 28271/2024
W.P.(C) 6806/2024, CM APPL. 28318/2024, CM APPL. 28319/2024
W.P.(C) 6813/2024, CM APPL. 28331/2024, CM APPL. 28332/2024
W.P.(C) 6834/2024, CM APPL. 28503/2024, CM APPL. 28504/2024
W.P.(C) 6856/2024, CM APPL. 28597/2024, CM APPL. 28598/2024
W.P.(C) 6861/2024, CM APPL. 28608/2024, CM APPL. 28609/2024
W.P.(C) 6879/2024, CM APPL. 28697/2024, CM APPL. 28698/2024
W.P.(C) 6888/2024, CM APPL. 28714/2024, CM APPL. 28715/2024
W.P.(C) 6895/2024, CM APPL. 28724/2024, CM APPL. 28725/2024
W.P.(C) 6901/2024, CM APPL. 28736/2024, CM APPL. 28737/2024
W.P.(C) 6903/2024, CM APPL. 28741/2024, CM APPL. 28742/2024
W.P.(C) 6954/2024, CM APPL. 28983/2024, CM APPL. 28990/2024
W.P.(C) 6956/2024, CM APPL. 28987/2024, CM APPL. 28988/2024
W.P.(C) 6963/2024, CM APPL. 29002/2024, CM APPL. 29003/2024
W.P.(C) 6964/2024, CM APPL. 29013/2024, CM APPL. 29014/2024
W.P.(C) 6985/2024, CM APPL. 29072/2024, CM APPL. 29073/2024
W.P.(C) 6995/2024, CM APPL. 29104/2024, CM APPL. 29105/2024
W.P.(C) 7036/2024, CM APPL. 29275/2024, CM APPL. 29276/2024
W.P.(C) 7097/2024, CM APPL. 29638/2024, CM APPL. 29639/2024
W.P.(C) 7106/2024, CM APPL. 29668/2024, CM APPL. 29669/2024
W.P.(C) 7115/2024, CM APPL. 29686/2024, CM APPL. 29687/2024
W.P.(C) 7139/2024, CM APPL. 29755/2024, CM APPL. 29756/2024
W.P.(C) 7152/2024, CM APPL. 29810/2024, CM APPL. 29811/2024
W.P.(C) 7174/2024, CM APPL. 29944/2024, CM APPL. 29945/2024
W.P.(C) 7176/2024, CM APPL. 29973/2024, CM APPL. 29974/2024
W.P.(C) 7178/2024, CM APPL. 29988/2024, CM APPL. 29989/2024
W.P.(C) 7182/2024, CM APPL. 30001/2024, CM APPL. 30003/2024
W.P.(C) 7185/2024, CM APPL. 30035/2024, CM APPL. 30036/2024
W.P.(C) 7190/2024, CM APPL. 30045/2024, CM APPL. 30046/2024



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W.P.(C) 7194/2024, CM APPL. 30063/2024, CM APPL. 30065/2024
W.P.(C) 7223/2024, CM APPL. 30101/2024, CM APPL. 30102/2024
W.P.(C) 7225/2024, CM APPL. 30105/2024, CM APPL. 30106/2024
W.P.(C) 7227/2024, CM APPL. 30109/2024, CM APPL. 30110/2024
W.P.(C) 7258/2024, CM APPL. 30259/2024, CM APPL. 30260/2024
W.P.(C) 7259/2024, CM APPL. 30261/2024, CM APPL. 30263/2024
W.P.(C) 7260/2024, CM APPL. 30265/2024, CM APPL. 30266/2024
W.P.(C) 7269/2024, CM APPL. 30390/2024, CM APPL. 30391/2024
W.P.(C) 7271/2024, CM APPL. 30402/2024, CM APPL. 30403/2024
W.P.(C) 7304/2024, CM APPL. 30530/2024, CM APPL. 30531/2024
W.P.(C) 7332/2024, CM APPL. 30655/2024, CM APPL. 30657/2024
W.P.(C) 7346/2024, CM APPL. 30672/2024, CM APPL. 30673/2024
W.P.(C) 7348/2024, CM APPL. 30676/2024, CM APPL. 30678/2024
W.P.(C) 7352/2024, CM APPL. 30684/2024, CM APPL. 30685/2024
W.P.(C) 7393/2024, CM APPL. 30902/2024, CM APPL. 30903/2024
W.P.(C) 7406/2024, CM APPL. 30925/2024, CM APPL. 30926/2024
W.P.(C) 7422/2024, CM APPL. 30949/2024, CM APPL. 30950/2024
W.P.(C) 7432/2024, CM APPL. 30965/2024, CM APPL. 30966/2024
W.P.(C) 7439/2024, CM APPL. 30980/2024
W.P.(C) 7457/2024, CM APPL. 31019/2024
W.P.(C) 7475/2024, CM APPL. 31053/2024, CM APPL. 31055/2024
W.P.(C) 7477/2024, CM APPL. 31065/2024, CM APPL. 31067/2024
W.P.(C) 7504/2024, CM APPL. 31299/2024, CM APPL. 31300/2024
W.P.(C) 7505/2024, CM APPL. 31302/2024, CM APPL. 31303/2024
W.P.(C) 7571/2024, CM APPL. 31502/2024, CM APPL. 31503/2024
W.P.(C) 7574/2024, CM APPL. 31508/2024, CM APPL. 31510/2024
W.P.(C) 7577/2024, CM APPL. 31517/2024, CM APPL. 31518/2024
W.P.(C) 7580/2024, CM APPL. 31524/2024, CM APPL. 31525/2024
W.P.(C) 7681/2024, CM APPL. 32001/2024, CM APPL. 32002/2024
W.P.(C) 7695/2024, CM APPL. 32025/2024, CM APPL. 32026/2024
W.P.(C) 7697/2024, CM APPL. 32029/2024, CM APPL. 32030/2024
W.P.(C) 7700/2024, CM APPL. 32035/2024, CM APPL. 32036/2024
W.P.(C) 7702/2024, CM APPL. 32040/2024, CM APPL. 32041/2024
W.P.(C) 7719/2024, CM APPL. 32071/2024, CM APPL. 32072/2024
W.P.(C) 7769/2024, CM APPL. 32225/2024, CM APPL. 32226/2024
W.P.(C) 7770/2024, CM APPL. 32228/2024, CM APPL. 32229/2024
W.P.(C) 7773/2024, CM APPL. 32237/2024, CM APPL. 32238/2024
W.P.(C) 7777/2024, CM APPL. 32264/2024, CM APPL. 32265/2024



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W.P.(C) 7868/2024, CM APPL. 32581/2024, CM APPL. 32582/2024
W.P.(C) 7869/2024, CM APPL. 32584/2024, CM APPL. 32585/2024
W.P.(C) 7870/2024, CM APPL. 32587/2024, CM APPL. 32588/2024
W.P.(C) 7873/2024, CM APPL. 32592/2024, CM APPL. 32593/2024
W.P.(C) 7880/2024, CM APPL. 32607/2024, CM APPL. 32608/2024
W.P.(C) 7887/2024, CM APPL. 32619/2024, CM APPL. 32621/2024
W.P.(C) 7963/2024, CM APPL. 32788/2024, CM APPL. 32789/2024
W.P.(C) 7989/2024, CM APPL. 32940/2024, CM APPL. 32941/2024
W.P.(C) 7998/2024, CM APPL. 32952/2024, CM APPL. 32953/2024
W.P.(C) 8075/2024, CM APPL. 33280/2024, CM APPL. 33281/2024
W.P.(C) 8080/2024, CM APPL. 33291/2024, CM APPL. 33292/2024
W.P.(C) 8082/2024, CM APPL. 33295/2024, CM APPL. 33296/2024
W.P.(C) 8103/2024, CM APPL. 33333/2024, CM APPL. 33334/2024
W.P.(C) 8107/2024, CM APPL. 33341/2024, CM APPL. 33342/2024
W.P.(C) 8153/2024, CM APPL. 33499/2024, CM APPL. 33500/2024
W.P.(C) 8232/2024, CM APPL. 33890-33892/2024
W.P.(C) 8237/2024, CM APPL. 33904/2024, CM APPL. 33905/2024
W.P.(C) 8245/2024, CM APPL. 33961-33963/2024
W.P.(C) 8395/2024, CM APPL. 34543-34545/2024
W.P.(C) 8399/2024, CM APPL. 34549-34551/2024
W.P.(C) 8439/2024, CM APPL. 34843-34845/2024
W.P.(C) 8449/2024, CM APPL. 34857-34859/2024
W.P.(C) 8451/2024, CM APPL. 34862-34864/2024
W.P.(C) 8790/2024, CM APPL. 35795/2024
W.P.(C) 8798/2024, CM APPL. 35810/2024
W.P.(C) 8801/2024, CM APPL. 35815/2024
W.P.(C) 8803/2024, CM APPL. 35819/2024
W.P.(C) 8827/2024, CM APPL. 35885/2024
W.P.(C) 8854/2024, CM APPL. 35938/2024
W.P.(C) 8866/2024, CM APPL. 36032/2024
W.P.(C) 8869/2024, CM APPL. 36036/2024
W.P.(C) 8872/2024, CM APPL. 36053/2024
W.P.(C) 9049/2024, CM APPL. 37011/2024
W.P.(C) 9062/2024, CM APPL. 37036/2024
W.P.(C) 9156/2024, CM APPL. 37466/2024
W.P.(C) 9175/2024, CM APPL. 37523-37525/2024
W.P.(C) 9246/2024, CM APPL. 37897/2024
.W.P.(C) 9324/2024, CM APPL. 38196/2024, CM APPL. 38197/2024



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W.P.(C) 9429/2024, CM APPL. 38688-38690/2024
W.P.(C) 9431/2024, CM APPL. 38702-38704/2024
W.P.(C) 9433/2024, CM APPL. 38735-38737/2024
W.P.(C) 11741/2024, CM APPL. 48837/2024
W.P.(C) 11858/2024, CM APPL. 49333/2024
W.P.(C) 11873/2024 & CM APPL. 49385/2024
W.P.(C) 12068/2024 & CM APPL. 50248/2024 -Stay
W.P.(C) 12106/2024 & CM APPL. 50355/2024 -Stay
W.P.(C) 12115/2024 & CM APPL. 50384/2024 -Stay
W.P.(C) 12116/2024 & CM APPL. 50387/2024 -Stay
W.P.(C) 12117/2024 & CM APPL. 50390/2024 -Stay
W.P.(C) 12310/2024, CM APPL. 51190/2024, CM APPL. 51191/2024 &
CM APPL. 51192/2024
W.P.(C) 12257/2024 & CM APPL. 50943/2024

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Mr. Himanshu Pathak & Mr. Amit Singh, Advocates
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Mr. Vijay Joshi, SPC with Mr. Katyayini Joshi & Mr. Shubham



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Mr. Farmah Ali, SPC with Mr. Major Murlidhar, Adv.

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Mr. Avinash Singh, SPC, Ms. Kanchan & Mr. Devender Singh, Advs.

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Ms. Bandana Kaur, SPC.

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Mr. Sandeep Kumar, CGSC with Mr. Tribhuvan, Advs.
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Ms Archana Ramesh with Sonu Sharma Advocate.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

REKHA PALLI, J(ORAL)

1. The present decision disposes of a batch of petitions filed by the Union of India under Article 226 of the Constitution of India assailing different yet similar orders passed by the learned Armed Forces Tribunal ('learned Tribunal') allowing the respondents' prayer for grant of service pension for the service rendered by them in the Defence Security Corps (DSC) by condoning the shortfall in the qualifying period of service, in accordance with the provisions of Pension Regulations for the Army Part-I, 1961 ('PRA of 1961') as also the Pension Regulations for the Army Part-I, 2008 ('PRA of 2008').



2. Since the issue involved in these writ petitions is identical and pertains to a claim for pension by Junior Commissioned Officers (JCOs) and Other Ranks (ORs), for the sake of convenience, the facts of the writ petition bearing no. 2986/2024, which was, with the consent of parties, treated as the lead matter, are being referred to hereinbelow.

3. As we find that most of the claims in the present batch of petitions before us are based on the PRA of 1961, we are basing our decision on these Regulations. However, we may note that the provisions of PRA of 2008 which are applicable in the present case and are being relied upon by the petitioners, are identical to the corresponding provisions in PRA of 1961.

4. As per the factual matrix emerging from the record, the respondent, after serving in the Indian Army for 23 years, was discharged from service on 01.02.2003. Taking into account that he had served for more than 15 years which, as per paragraph 132 of the PRA of 1961, is the minimum qualifying service for JCOs and ORs for being eligible for service pension, the respondent has been drawing service pension for his service with the Army between 26.01.1980 to 01.02.2003.

5. Based on his experience in the Army, the respondent was enrolled in the DSC on 08.07.2003, from where he superannuated on 30.09.2017, after rendering service for a period of 14 years 02 months and 21 days. As per paragraph 271 of the PRA of 1961, a separate service pension is provided for service with the DSC, with the same period of 15 years prescribed therein as the qualifying period for earning pension.

6. Since the service rendered by the respondent with the DSC fell short by about 280 days from the qualifying service of 15 years, he was denied service pension by the petitioners. He, therefore, approached the learned



Tribunal, by way of OA no. 2869/2022, seeking directions to the petitioner to grant him service pension for his service with the DSC, after condoning this deficiency of 280 days in accordance with paragraph 125 of the PRA of 1961, as modified vide respondent no.1's letter dated 14.08.2001, which provides for condonation of a shortfall of upto 12 months in qualifying service for pension.

7. Vide its impugned order dated 13.12.2003, the learned Tribunal, by following its earlier decisions in **OA no. 60/2013**, titled '*Bhani Devi v. Union of India*', **OA no. 131/2017** titled '*Union of India v. Ex Mohanty T*', and **OA no. 1238/2016** titled, '*Smt Shama Kaur v Union of India*', rejected the petitioners' plea that the provisions for condonation of shortfall in service under the PRA of 1961 would not be applicable to the personnel serving in the DSC. The learned Tribunal came to a conclusion that in accordance with paragraph 125 of the PRA of 1961, the respondent was entitled to seek condonation of shortfall in qualifying service, as long as the said shortfall was not more than 12 months. Consequently, the learned Tribunal condoned the shortfall of 280 days in the respondent's service and directed the petitioners to release service pension to him for the service rendered by him in the DSC.

8. Being aggrieved, the petitioners have approached this Court, primarily on the ground that the provisions for condonation of shortfall in the qualifying service is not applicable to the service in DSC, as pension for service in the DSC is in the nature of a second service pension, for which no condonation is permissible.

9. In support of the petitions, Mr. Harish Vaidyanathan Shankar, along with other learned counsel for the petitioners, submit that the learned



Tribunal has condoned the shortfall in the respondents' qualifying service without appreciating the fact that the provisions for condonation of shortfall in service, as contained in the Pension Regulations, are not applicable to the DSC. The provisions for condonation of shortfall as contained in paragraph 125 of the PRA of 1961 and paragraph 44 of the PRA of 2008, Mr Vaidyanathan contends, are applicable only to combatised service in the Indian Army as provisions for service pension in the DSC are governed by different Chapters altogether, i.e, Chapter VIII in the PRA of 2008 and Chapter IV in the PRA of 1961. These Chapters, he contends, do not contain any provision for condonation of shortfall in service and therefore, the general provisions for condonation in paragraph 125 and paragraph 44 of the Regulations would not be applicable to the personnel employed in the DSC.

10. Paragraph 266 in Chapter IV of the PRA of 1961 and paragraph 173 in Chapter VIII of the PRA of 2008, he submits, make it clear that only those general provisions of the regulations will apply to DSC service as are not inconsistent with the specific regulations pertaining to DSC. He contends that once these Chapters consciously do not include any provision for condonation of shortfall in service, it is evident that the provisions for condonation as contained in paragraph 125 and paragraph 44 of the Regulations are inconsistent with the regulations applicable to the DSC service. Consequently, the respondents could not claim condonation for shortfall in DSC service by resort to these general provisions.

11. He further contends that the learned Tribunal has also failed to appreciate that the respondents and all other eligible DSC personnel are already in receipt of service pension by virtue of their earlier service with the Indian Army and their claim for pension for their DSC service is in the



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nature of a second service pension. There being no provision for condonation of shortfall in service in the DSC, a conscious decision has been taken by the petitioners to not condone any shortfall for availing this second service pension. In support of his plea, he places reliance on the letters issued by the Department of Ex-Serviceman Welfare, Ministry of Defence dated 23.04.2012 and 20.06.2017, and submits that it has been clearly provided that no condonation would be allowed for grant of second service pension for service in the DSC. The intention behind introducing the provision for condonation of deficiency in service for grant of a service pension, he submits, was to ensure that all Army personnel become eligible for at least one pension. He, therefore, contends that the decision of the learned Tribunal to grant condonation of shortfall in respect of the second service pension for the DSC service is unsustainable.

12. Finally, he submits that an identical issue is already pending consideration before the Apex Court in **Civil Appeal Dairy No. 27246/2023** titled ***“Union of India & Ors. Vs. Balakrishnan Mullikote (EX HAV 256812 M)***, wherein the order dated 26.07.2022 passed by the Kochi Bench of the learned Tribunal, in similar circumstances, has been assailed. The Apex Court, while issuing notice in the aforesaid appeal, has stayed the operation of the order passed by the Kochi Bench. He, therefore, prays that the impugned orders directing condonation of shortfall in the DSC service, being contrary to the Pension Regulations, be set aside.

13. *Per contra*, learned counsel for the respondents oppose the writ petitions and submit that the learned Tribunal has rightly allowed the OAs by placing reliance on its earlier decisions in ***Bhani Devi (supra)***, ***Smt Shama Kaur (supra)*** and ***Ex N.K. Mohanan T. (supra)***, which decisions



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have already been implemented and, therefore, the petitioners cannot be permitted to assail the impugned orders. They further contend that as the DSC is a separate service, having no connection with the service in the Indian Army, the Regulations provide for separate service pension for service in the DSC as also in the Indian Army.

14. The right of the respondents to receive two service pensions, one for their service with the Indian Army and the other for their service in the DSC, flows out of the Regulations itself; once paragraph 266 of the PRA of 1961 and paragraph 173 of the PRA of 2008 clearly provide that all the provisions of the Pension Regulations would be applicable to the service in the DSC, the provisions for condonation of shortfall in service, as contained in paragraph 125 of the PRA of 1961 and paragraph 44 of the PRA of 2008 would be applicable to the DSC service. Merely because the respondents, if granted condonation in DSC service would draw a second service pension, the petitioners cannot be permitted to urge that the provisions for condonation of shortfall contained in the aforesaid paragraphs of both the PRA of 1961 and of 2008 would not be applicable for service in the DSC. They contend that it is only because they were assured that they would be entitled to a second service pension for their service with the DSC that they had, while joining the DSC, specifically undertaken not to claim any benefit of their past service with the Indian Army.

15. Learned counsel for the respondents further submit that the petitioners are trying to mislead this Court by urging that the issue raised in the present petitions is still pending consideration before the Apex Court in *Balakrishnan Mullikote (supra)*. This appeal, they contend, pertains to the question as to whether a shortfall in service, which is for a period of more



than 12 months as prescribed under the Pension Regulations, can be condoned. In the present batch of cases, however, they urge, the respondents' shortfall in service with the DSC is admittedly less than one year in all the cases and therefore, the decision in *Balakrishnan Mullikote (supra)* would not be applicable to the respondents.

16. They submit that the issue raised in the present petitions is squarely covered by the decision dated 12.10.2017 of the learned Tribunal, Kochi Bench in *Ex Mohanan T (supra)*, on which decision the learned Tribunal has also relied in the impugned order, has attained finality as Civil Appeal Diary no. 27100 of 2018, filed by the petitioners assailing the said decision stands dismissed on 27.08.2018. Furthermore, the subsequent decision of the Full Bench of the learned Tribunal dated 01.10.2019, in *Smt Shama Kaur (supra)*, wherein similar relief was granted, has also been implemented by the petitioners. They are, therefore, now estopped from urging that the provisions for condonation of shortfall in qualifying service contained in the PRA of 1961 as also in the PRA of 2008, are not applicable to the DSC.

17. Finally, they contend that the PRA of 2008, on which the petitioners have relied to contend that there is no provision for condonation of shortfall in the DSC service, is in itself not a valid document. Their plea being that these Regulations have been issued without obtaining sanction from the Department of Pension and Pensioners Welfare, which was mandatory under the Allocation of Business Rules, 1959. They, therefore, pray that the writ petitions be dismissed.

18. Having considered the submissions of learned counsel for the parties and perused the record, we may, at the outset, begin by noting the



respondents' last plea that the PRA of 2008 is not a valid document. The respondents have urged that these Regulations were not issued with the approval of the competent authority and are, therefore, not sustainable in the eyes of law. This plea has been vehemently denied by the petitioners, who have urged that these Regulations of 2008 have been validly framed. However, as noted hereinabove, the provisions relevant for determination of the issues arising in the present cases, as contained in PRA of 2008 on which the petitioners rely, are analogous to those contained in PRA of 1961. We, therefore, do not deem it necessary to delve into this aspect, as nothing much will turn on the question as to whether the Regulations issued in 2008 are valid or not. We, however, leave it open for the respondents to raise the said issue in an appropriate case if the need so arises.

19. We may now deal with the petitioner's first plea that the provisions for condonation of shortfall in service, as contained in paragraph 125 of the PRA of 1961 and paragraph 44 of the PRA of 2008 are not applicable to the service in the DSC, which service is governed by a specific Chapter in both the set of Pension Regulations. The respondents, on the other hand, have urged that the provisions dealing with the service in the DSC in both these Regulations, in itself show that all the provisions of the Regulations, irrespective of the Chapter in which they are contained, would be applicable to the DSC service, as long as they are not inconsistent with the specific provisions dealing with the service in the DSC. In order to appreciate this rival plea of the parties, it would be apposite to note paragraph 266 of the PRA of 1961 as also paragraph 173 of the PRA, 2008, the same read as under:



General provision

266. The grant of pensionary awards to personnel of Defence Security Corps shall be governed by the same general rules as are applicable to combatants of the Army, except where they are inconsistent with the provisions of the regulations in this chapter.

GENERAL PROVISION

173. The grant of pensionary awards to personnel of the Defence Security Corps shall be governed by the same Regulations as are applicable to Personnel Below Officer Rank of the Army, except where they are inconsistent with the provisions of the Regulations in this chapter.

20. From a bare perusal of the aforesaid clauses of both PRA of 1961 and PRA of 2008, it is evident that the respondents are correct in urging that all the provisions of the Pension Regulations, unless they are found to be inconsistent with Chapter VIII of PRA, 2008 and Chapter IV of PRA, 1961, would be equally applicable to the service in the DSC. Except for making a bald statement that the condonation of shortfall in service as provided under paragraph 125 of PRA, 1961 and paragraph 44 in PRA, 2008 is not applicable to service in the DSC, the petitioners have not even pointed out any express provision in the Chapters dealing with the DSC service which bars condonation of shortfall in qualifying service.

21. From the submissions made at the bar as also the detailed written submissions filed by the petitioners, we find that the petitioners have, in fact, not even urged that there is any provision in these Chapters dealing with the DSC which put an embargo on condonation of shortfall. We are, therefore, unable to appreciate as to how the provisions in paragraph 125 of the PRA



of 1961 and paragraph 44 of the PRA of 2008, providing for condonation of shortfall in service, would not be applicable to service in the DSC. In our considered view, when no inconsistency between the provisions for condonation and the provisions dealing with the DSC service has been pointed out, it is not open for the petitioners to contend that the provisions of paragraph 125 of the PRA of 1961 and paragraph 44 of the PRA of 2008, which provide for condonation of shortfall in service, would not be applicable to the service in DSC.

22. It is also noteworthy that the scheme of the Regulations in itself provide for two independent service pensions, one for service in the Indian Army and the second for the service in the DSC. It is only because of the provision for two service pensions in the Regulations that the respondents, while joining the DSC, did not opt for including their past service in the Indian Army and have, therefore, been deprived of benefits which could have accrued to them had they sought inclusion of their past service with the Army. Merely because the claim of the respondents, if allowed, would entitle them to earn a second pension, which is envisaged in the Regulations itself, the petitioners cannot be permitted to raise a plea which is contrary to the specific provisions of the Regulations.

23. We have also considered the letters dated 23.04.2012 and 20.06.2017 issued by the Ministry of Defence, wherein it has been provided that no condonation for shortfall in qualifying service will be granted for second service pension with the DSC. Even though we find that these letters already stand quashed by the learned Tribunal in *Ex Mohanan T (supra)*, we have, at the insistence of the learned counsel for the petitioners, examined the same, but are of the view that once the pension Regulations do not create



any bar for condonation of shortfall in qualifying service, contrary instructions could not have been issued by the Ministry of Defence. It is trite law that administrative instructions cannot override the statutory regulations and therefore, we are of the considered opinion that the petitioners, by way of these letters, could not deprive the respondents of the rights accruing to them under the specific provisions of the Pension Regulations.

24. We have also considered the petitioners' plea that this Court should await the decision of the Apex Court in *Balakrishnan Mullikote (supra)* but find that the petitioners have not seriously controverted the respondents' plea that the said case pertains to a claim for condonation of shortfall of more than 12 months. Further, despite our queries, they have neither placed a copy of their appeal before the Apex Court nor a copy of the learned Tribunal's decision dated 26.07.2022 which has been assailed before the Apex Court.

25. However, having perused the aforesaid decision dated 26.07.2022 passed by the Kochi Bench of the Tribunal, as available on its portal, we find that the respondents are correct in urging that the issue pending consideration before the Apex Court is not the same as the issue in the present case. In the said case, the learned Tribunal had condoned a shortfall of 1 year 02 months and 23 days in service, which was not permissible under the Regulations, which provide for a condonation of a maximum period of 12 months. We, therefore, find that the petitioners' prayer for deferring hearing to await the decision of the Apex Court is meritless and needs to be rejected.

26. On the other hand, we find that an appeal assailing the detailed order passed by the learned Tribunal in *Ex Mohanan T (supra)* allowing an



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identical prayer, as raised in the present petitions, seeking condonation of shortfall of upto 12 months in the DSC service as per paragraph 125 of the PRA of 1961 and paragraph 44 of the PRA of 2008, already stands dismissed by the Apex Court on 27.08.2018. Even though, while dismissing the appeal, the question of law was left open by the Apex Court, having examined the Scheme of the Regulations, we are not persuaded by the petitioners' plea that the shortfall in qualifying service for pension in the DSC is not condonable only because it happens to be a second service pension.

27. For all the aforesaid reasons, we find absolutely no merit in the writ petitions, which are, accordingly, alongwith the pending applications, dismissed. Consequently, all interim orders stand vacated.

(REKHA PALLI)
JUDGE

(SHALINDER KAUR)
JUDGE

SEPTEMBER 4, 2024
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