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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11762/2024

MOHD RAFI MEELO & ORS.

.....Petitioners

Through: Mr.Abhay Kumar Bhargava,
Mr.Satyarth Sinha & Ms.Niharika Pun, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Bharathi Raju, Adv. with
Mr.Hemendra Kumar, Dpt. Commndt., BSF

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

27.08.2024

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1. The petitioners, who are serving in the Border Security Force (BSF), have approached this Court under Article 226 of the Constitution of India, seeking a direction to the respondents to extend to them the benefit of the Pension Scheme under the Central Civil Services (Pension) Rules, 1972 commonly known as the 'Old Pension Scheme'.
2. Learned counsel for the petitioners submits that the vacancies against which the petitioners were appointed as Constable (GD) in the BSF, were advertised in the year 2003 itself and are therefore entitled to be granted the benefit of the Old Pension Scheme. Further, similarly placed employees who are batchmates of the petitioners' having appointed pursuant to the same advertisement have already been extended the said benefit by the respondents themselves on



24.02.2024.

3. Learned counsel for the respondents, who appears on advance notice, submits that the respondents would be required to verify as to whether the petitioners were indeed appointed against vacancies advertised in the year 2003.
4. In the light of the aforesaid stand taken by the respondents, we are of the view that it would be appropriate that the writ petition itself is treated as a representation by the respondents and decided in a time bound manner after verifying the factual position.
5. We, accordingly, dispose of the writ petition by directing the respondents to treat the present writ petition as a representation by the petitioners and dispose of the same within a period of twelve weeks by passing a reasoned and speaking order.
6. Needless to state, in case, the petitioners are aggrieved by any order passed by the respondents, it will be open for them to seek legal recourse as permissible in law.
7. The writ petition is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 27, 2024

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