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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12678/2024
DURGA PRASAD OJHAPetitioner

Through: Mr.Pramod Kumar Tiwari, Adv.
versus

UNION OF INDIA & ANR.Respondent
Through: Mr.Syed Abdul Haseeb, CGSC with
Mr.Tanveer Zaki, Adv. Mr.Vivek Nagar, GP.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **10.09.2024**

CM APPL. 52827/2024 –Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner, who superannuated from the CISF as an Assistant Commandant, has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:

a) The Respondents may be directed to produce all the papers/documents in the file maintained by them before this Hon'ble Court in connection with rationalisation of replacement pay to the similarly placed petitioner, i.e. the then Inspector in CISF i.e. 6500-200-10500/- w.e.f 10.10.1997 instead of 01.01.1996.

b) The Respondents may be directed to grant benefits of replacement pay scale 6500-200-10500/- after rationalisation of pay Structure w.e.f. 01.01.1996 to the Petitioner along with accrual benefits.

c) The Respondents may be directed to re-fix the monthly pension of the petitioner after rationalisation of revised pay scale i.e. with replacement pay 6500-200-10500/-



w.e.f. 01.01.1996.

d) The Respondents may be directed to pay the arrears after re-fixation of revised pay to the Petitioner with effect from 01.01.1996 within four weeks failing which to pay interest @ 8% per annum on the arrears for the period of delay.”

4. After some arguments, learned counsel for the petitioner submits that for the present, the petitioner would be satisfied in case the respondents are directed to take a final decision on the petitioner's claim, in a time bound manner, which claim is, as per the respondent no.2's communication dated 14.02.2024, stated to be pending consideration with the respondent no. 1/Ministry of Home Affairs.
5. Issue notice. Learned counsel for the respondents accepts notice and submits that today he does not have instructions as to whether a decision has already been taken by the Ministry of Home Affairs.
6. In the light of the aforesaid stand taken by the parties, we are of the view that the writ petition deserves to be and is, accordingly, disposed of by directing the respondent no. 1 to take a final decision on the petitioner's claim within a period of eight weeks from today.
7. Needless to state that while considering the petitioner's claim, the respondent no. 1/Ministry of Home Affairs, will also take into account the decision dated 13.07.2022 of this Court in W.P.(C) 862/2021 as also the judgment passed by the Punjab and Haryana High Court in Civil Writ Petition No. 17711/2000 (Annexure P-1 and P-2 to the writ petition).
8. It is further made clear that in case, the petitioner is aggrieved by any order passed by the respondent no. 1, it will be open for him to seek legal recourse as per law.



9. The writ petition is, accordingly, disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 10, 2024
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