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

+ **W.P.(C) 13922/2024**

RAJINDER SINGH & ORS.Petitioners

Through: **Mr. Sachin Malik, Adv.**

versus

UNION OF INDIA & ORS.Respondents

Through: **Mr. Ramjee Pandey, Mr. Anil
Devlal, Advs. with Mr. Ajay
Pal, officer**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **03.10.2024**

CM APPL. 58264/2024 (exemption) & CM APPL. 58263/2024

(lengthy list of dates)

1. Allowed, subject to all just exceptions.

W.P.(C) 13922/2024

2. The present petition has been filed by the petitioners under Article 226 of the Constitution of India, praying for the following reliefs:-

“a) pass appropriate Writ, directions or order in the nature of certiorari or any other writ, direction and/or order to quash and set aside the order F.No.45020/1/2019/Legal-1 dated 19.08.2019 issued by Ministry of Home Affairs, Government of India to the extent it discriminates between similarly situated pensioners;

b) issue appropriate Writ, directions or order in the nature of mandamus or any other writ, direction and/or order or directions, respondents to grant each of petitioner all financial and consequential benefits arising from or on



account of increase in retirement age from 57 to 60 years at par with the others who are being given the financial benefits of fixation of retirement age at 60 years;
c) issue appropriate Writ, directions or order in the nature of mandamus or any other writ, direction and/or order by granting each of the petitioners benefit of fitment of pension, revision of pension, arrears of pension and other financial benefits at par with 29 petitioners in writ petition no.1951/2012 and other 18 connected writ petitions and;
d) The issues raised in instant writ petition are of similar nature as of Writ Petition No. 2145/2023, in the matter of Subash Chowdhury & Ors is annexed as ANNEXURE P-7 may please be tagged and heard with that writ petition.
e) Pass such other further direction which this Hon'ble Court may deem fit and proper in the facts of the case."

3. It is the case of the petitioners that by the Judgment dated 31.01.2019 passed by this Court in W.P.(C) 1951/2012, titled ***Dev Sharma v. Indo Tibetan Border Police & Anr.***, and other connected petitions, this Court quashed the BSF (General Duty Officers) Recruitment Rules, 2001 (in short, 'Recruitment Rules'), insofar as they prescribed the retirement age of 57 years for Members of the Central Armed Police Forces (CAPFs) on the rank of Commandant and below. This Court also directed that the benefit should be given not only to the petitioners who had approached the Court but also in *rem*. The respondents were further directed to take all consequential steps for implementation of the Judgment.

4. The petitioners state that based on the said Judgment and in its implementation, the respondents have considered the notional increase of the age of retirement for the already retired personnel, for the purposes of determining the pension. This benefit has been given to a few officers, however, not to the petitioners. Thus, the petitioners are aggrieved by the same.



5. Keeping in view the contents of the petition and the submissions made by the learned counsel for the petitioners, it is directed that the respondents shall consider the present petition as a representation of the petitioners and decide the same by way of a reasoned and speaking order within a period of eight weeks from today. The decision shall also be communicated by the respondents to the petitioners within the said period.
6. Needless to state, if the petitioners are aggrieved by the order passed by the respondents, it shall be open for them to challenge the same, in accordance with law.
7. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 3, 2024
SU/KM/VS

Click here to check corrigendum, if any