



\$~95

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

+ **W.P.(C) 5280/2025**

B BOSE & ORS.

.....Petitioners

Through: Mr. Ankit Jain, Sr. Adv. with Mr.
Harshal Kumar, Mr. Apoorv
Rastogi, Advocates.

versus

**NATIONAL INSTITUTE OF
IMMUNOLOGY & ORS.**

.....Respondents

Through: Ms. Anubha Bhardwaj, CGSC with
Ms. Mehak Arora, Advocates for
R-1 with Mr. Yogesh Tripathi.
Ms. Avshreya Pratap Singh Rudy,
Ms. Usha Jamnal, Advocates for
R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

06.05.2025

1. Further to the orders dated 24.04.2025 and 05.05.2025, Ms. Anubha Bhardwaj, learned Central Government Standing Counsel for the respondent No.1 – National Institute of Immunology, states upon instructions, that there is no distinction between the status of the present petitioners and the petitioners in *Vinod Kumar and ors. v. National Institute of Immunology through its Director and Anr* [W.P.(C) 8511/2011; decided on 20.12.2024]. By the said judgment, the petitioners therein were granted the following reliefs:

“26. The respondents are accordingly directed to grant to the



petitioners all pensionary benefits as available to them under Office Memorandum dated 01.05.1987 issued by the Department of Pension & Pensioners "Welfare, Ministry of Personnel, Public Grievances & Pensions of the Government of India, as referred to above, from the date as may be applicable.

27. However it must be clarified, that while calculating the amount payable to the various petitioners under the Pension Scheme, the NII shall be entitled to recoup along with interest the contributions made by them towards the provident fund of the petitioners and the petitioners shall be entitled to interest on the arrears of pension receivable by them under the Pension Scheme. The interest payable on either side shall be 8% per annum for the concerned period. The detailed calculations in this behalf would of course have to be made by the NII, as per their records, individually for the petitioners.

28. Considering the complexity involved in implementing the switch-over to the Pension Scheme at this late stage, and in-line with what was observed by the Supreme Court in para 52 of University of Delhi vs. Shashi Kiran, 15 it is possible that keeping in view the economics involved, some of the petitioners or their legal representatives may no longer be interested in the switch-over; in which case, such petitioners/legal representatives must be given the choice by the NII to not avail the benefit of this judgment."

2. In view of the submissions made above, this writ petition is also disposed of in terms of aforementioned paragraphs of the judgment dated 20.12.2024.

PRATEEK JALAN, J

MAY 6, 2025
'Bhupi/SD'/