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

Date of decision: 01.05.2025

+ W.P.(C) 5668/2025
GOVT OF NCT OF DELHI & ORS.Petitioners
Through: Mr.Sujeet Kumar Mishra,
Mr.Saarthak Bansal, Advs.
versus

SHEELA DEVIRespondent
Through: Mr.Padma Kumar S., Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MINI PUSHKARNA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 25921/2025 (Exemption)

1. Allowed, subject to just exceptions.

W.P.(C) 5668/2025 & CM APPL. 25922/2025

2. This petition has been filed, challenging the Order dated 14.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 2817/2022, titled Sheela Devi v. Govt of NCT of Delhi & Ors., whereby the learned Tribunal allowed the said O.A. filed by the respondent herein with the following directions:

"10. We find that on the analogy of the fact that work charge of the daily wager where 50% of the past services has to be counted for the purpose of pensionary benefits. On the same analogy, the same benefit cannot be denied to the applicant herein. Therefore, in the light of the decision of Hon'ble Supreme



Court, the applicant is entitled to 50% of the counting of the said services towards the part-time services rendered by her on ad-hoc basis for the purpose of pensionary benefits only.”

3. The learned counsel for the petitioners submits that the above O.A. was filed by the respondent with the following prayers:

“(a) Quash and set aside the Order dated 06.08.2022 at ANNEXURE A-1.

(b) Declare that the Applicant is entitled to get the benefit of Old Pension Scheme under the CCS(Pension) Rules 1972 not only by virtue of the OM dated 1 7.2.2020 but also by virtue of past service rendered by her in the same post.

(c) Direct the respondents to grant the applicant the benefits of Old Pension Scheme by virtue of OM dated 1 7.2.2020 or;/and by counting of the past service rendered by her in the same post.

(d) Direct the respondents to revise the arrears of pay and pension within a time frame.

(e) Pass any other order or direction as many be fit and proper under the facts and circumstances of the case, in favour of the Applicant.”

4. The learned counsel for the petitioners submits that, therefore, the only question before the learned Tribunal was whether the respondent is entitled to the benefit of the Old Pension Scheme, instead, the learned Tribunal has proceeded to determine the qualifying service of the respondent by directing that 50% of her service on a part-time daily wages basis shall also be counted.

5. Issue notice.

6. Notice is accepted by Mr.Padma Kumar S., the learned counsel for the respondent.



7. He submits that one of the issues that was also before the learned Tribunal was the period which needs to be counted for the grant of pension to the respondent, however, he admits that the primary claim of the respondent was on the applicability of the Old Pension Scheme. He fairly admits that as far as the applicability of the Old Pension Scheme is concerned, in fact, the learned Tribunal has not considered the same.

8. We, therefore, have no option but to set aside the Impugned Order, revive the OA, and remand the O.A. back to the learned Tribunal for fresh consideration.

9. Keeping in view the fact that the O.A. is of the year 2022 and as the order passed by the learned Tribunal has been set aside and the O.A. is being revived, the learned Tribunal is requested to expedite the hearing of the O.A.

10. The parties shall appear before the learned Tribunal on 07.07.2025.

11. The petition and the pending application are disposed of in the above terms.

NAVIN CHAWLA, J

MINI PUSHKARNA, J

MAY 1, 2025/Arya/DG

Click here to check corrigendum, if any