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

+ W.P.(C) 9983/2025

GIRISH BHARIHOKE

.....Petitioner

Through: Ms. Monika Tripathy, Mr.
Ashutosh Kaushik, Mr. Gautam
Yadav, Advocates.

versus

NATIONAL INSTITUTE OF IMMUNOLOGY
& ORS.

.....Respondents

Through: Ms. Anubha Bhardwaj, CGSC &
Mr. Dev P. Bhardwaj, Mr, Rajiv
Mahajan, Mr. Devvrat Yadav,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.08.2025

1. The petitioner, who is a retired employee of respondent No. 1 – National Institute of Immunology [“NII”], seeks grant of pensionary benefits in terms of an Office Memorandum dated 01.05.1987, issued by the Department of Pension and Pensioners’ Welfare. He relies upon the judgments of this Court in *Vinod Kumar & Ors. v. National Institute of Immunology Through Its Director and Ors.* [W.P.(C) 8511/2011, decided on 20.12.2024] [hereinafter, “*Vinod Kumar*”] and *B. Bose & Ors. v. National Institute of Immunology & Ors.* [W.P.(C) 5280/2025, decided on 06.05.2025].

2. Further to the order dated 16.07.2025, Mr. Dev P. Bhardwaj,



learned counsel for NII, states upon instructions, that the petitioner's case is similar to the petitioners in the said cases.

3. In *Vinod Kumar*, the petition was allowed with the following directions:

"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* [(2022) 15 SCC 325], 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."*

4. In view of the submissions recorded above, the writ petition is disposed of in terms of paragraphs 26 to 28 of the judgment in *Vinod Kumar*.

PRATEEK JALAN, J

AUGUST 19, 2025

"Bhupi/KA"/