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

+ **W.P.(C) 4486/2017**

SERGEANT NARESH KUMAR SHARMAPetitioner

Through: **Mr. C.K. Sharma & Mr. Vedant Sood,**
Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: **Mr. Vivek Goyal, CGSPC with Mr.**
Gokul Sharma & Mr. Aryan
Aggarwal, Advs. for UOI.
Mrs. Avnish Ahlawat, SC with Mr.
Nitesh Kumar Singh, Ms. Aliza Alam
& Mr. Mohnish Sehrawat, Advs. for
R2 to R4.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

17.11.2025

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1. Learned counsel for the respondent nos.2 to 4 submits that in compliance with the directions of this Court dated 04.02.2025, wherein the following order was passed:

“1. The petitioner, who is an ex-serviceman, retired from a Post Below Commissioned Officers, prior to attaining the age of 55 years. He has since been employed in the establishment of District Court, and seeks re-fixation of his pay, by ignoring the pension received by him. The petitioner relies upon a circular of the Principal Controller of Defence Accounts (Pension) dated 12.05.2015.



2. Mr. C.K. Sharma, learned counsel for the petitioner, also relies upon an Office Memorandum dated 01.05.2017, issued by the Department of Personnel & Training [“DoPT”], Government of India [Annexure-5 to the rejoinder-affidavit]. He further submits that similarly placed employees have been granted this relief by the Office of the District & Sessions Judge, South West, Dwarka by order dated 29.08.2016 [Annexure-6 to the rejoinder-affidavit], whereas the petitioner, who was initially appointed in New Delhi District, Patiala House, and is now posted in Shahdara District, Karkardooma Court, has not been granted the same benefit.

3. In the counter affidavit dated 31.08.2017, respondent Nos. 3 and 4 have inter alia stated as follows:

“23. In reply to Para 23 of the Writ Petition, it is submitted that the same needs no reply being a matter of record. However, the matter of applicability of Circular No. 179 dated 12.05.2015, grant of pay arrear in terms of Order 16(2), DA arrear on pension by this office & Dearness Relief on pension by the Pension Disbursing Authority and entitlement of Order 16(2) is under consideration before the Ld. Committee constituted for the purpose.”

[Emphasis supplied.]

4. However, no final decision has been placed on record. Respondent Nos. 3 and 4 are directed to file an affidavit on the aforesaid question, and also state as to whether the petitioner’s case is in any way different from the case covered by order dated 29.08.2016 passed by the District & Sessions Judge, South West Dwarka.”,

the respondents have taken a decision in the meeting held on 05.07.2025. Learned counsel has produced the photocopy of the minutes. The same is taken on record and supplied to the learned counsel for the petitioner.

2. Learned counsel for the petitioner is not pressing this petition with liberty to avail remedies in accordance with law for redressal of surviving



grievance and challenging the decision taken in the meeting held on 05.07.2025.

3. The petition is disposed of as not pressed with liberty as prayed for.

AVNEESH JHINGAN, J

NOVEMBER 17, 2025/sr/ha