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

\+ W.P.(C) 11658/2019

SOMA DEVI .....Petitioner

Through: Mr. A.K. Verma, Advocate.

versus

UNION OF INDIA & ORS .....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar and Mr. Kumar Rana, Advocates for UOI.
Mr. L.R. Khatana, Advocate for R-2 & 3.

\+ W.P.(C) 2379/2021 & CM APPL. 6934/2021

RAJ KUMAR Sharma And Ors .....Petitioners

Through: Mr. Kripa Shankar Prasad, Ms. Rashmi Narina, Ms. Indra Bhushan Prasad and Mr. Harsh Jain, Advocates.

versus

UNION OF INDIA THROUGH MINISTRY OF COMMERCE AND INDUSTRY And Ors .....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar and Mr. Kumar Rana, Advocates for UOI.
Mr. Himanshu Pathak, SPC with Mr. Chetan Sharma, Advocate for R-1.
Mr. L.R. Khatana, Advocate for R-2 & 3.

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**O R D E R**

**%** **09.03.2026**

1. The Petitioners were employees of the Export Inspection Council, a statutory organisation functioning under the Department of Commerce and Industry.

2. The controversy in the present petitions concerns the Petitioners' entitlement to switch over from the Contributory Provident Fund (CPF) Scheme to the General Provident Fund (GPF) Pension Scheme. An identical issue had earlier arisen before this Court in W.P.(C) 6747/2014 and connected matters, titled ***Rajiv Raizada v. Union of India & Ors.***, wherein, by judgment dated 5th July, 2021, the Court held that the petitioners therein were deemed to have switched over to the Pension Scheme and were accordingly entitled to the benefits thereunder. Counsel for the Petitioners submits that the present Petitioners are identically placed as those in ***Rajiv Raizada*** and are therefore entitled to similar relief.

3. Counsel for the Respondents No. 2 & 3 does not dispute that the aforesaid judgment was rendered in respect of employees of the same organisation. However, it is submitted that the hearing of the present petitions may be deferred in view of the Letters Patent Appeal preferred by the Export Inspection Council against the judgment in ***Rajiv Raizada*** [LPA No. 391/2021 and connected matters], wherein arguments have already been heard and judgment has been reserved on 19th January, 2026. It is contended that the outcome of the said appeal would have a bearing on the present matters.

4. Respondents further sought to distinguish the judgment in ***Rajiv Raizada*** by contending that the decision of the Supreme Court in ***Kendriya***

***Vidyalaya Sangathan & Ors. v. Jaspal Kaur & Ors.***[1] was not considered therein.

5. This contention is unpersuasive. A perusal of the judgment in ***Rajiv Raizada***, particularly paragraph 97 thereof, reveals that the decision in ***Jaspal Kaur*** was duly noticed and considered, and the Court did not find any distinguishing circumstance warranting denial of relief to the petitioners in that case.

6. In view of the above, and considering that the present Petitioners are identically placed, the reasoning and conclusions recorded by this Court in ***Rajiv Raizada*** shall apply *mutatis mutandis* to the present petitions. Accordingly, the Petitioners shall be deemed to have switched over to the Pension Scheme and shall be entitled to consequential benefits in terms of the directions issued in the said judgment, including the relief relating to refund as granted therein.

7. It is, however, clarified that since the judgment in ***Rajiv Raizada*** is presently under challenge before the Division Bench in LPA No. 391/2021 and connected matters, the directions issued herein shall remain subject to the outcome of the said appeals.

8. With the above directions, the present petitions are disposed of.

**SANJEEV NARULA, J**

**MARCH 9, 2026**
as

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[1] (2007) 6 SCC 13.