
(2021) 02 DEL CK 0305

In the Delhi High Court

Case No : Civil Writ Petition No. 1569 Of 2021

Jaswinder Singh And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 15-02-2021

Acts Referred:

Citation : (2021) 02 DEL CK 0305

Hon'ble Judges : Manmohan, J;Asha Menon, J

Bench : Division Bench

Advocate : Ankur Chibber, Rashmi Bansal, Rajat Bhatia, Rupali Nidhi Sahay

Final Decision : Disposed Of

Judgement

Manmohan, J

CM APPL. 4470/2021

Allowed, subject to just exceptions.

W.P. (C) 1569/2021

1. Present writ petition has been filed challenging the OM dated 17th February, 2020 to the extent that it declares that only those candidates whose results for recruitment were declared before 01st January, 2004 against vacancies occurring on or before 31st December, 2003, shall be eligible for coverage under the old pension scheme. Petitioners also pray for issuance of writ of mandamus directing the respondents to extend the benefit of old pension scheme to the petitioners as has been granted to similarly situated persons through a catena of judgments passed by this Court and affirmed by the Supreme Court, from the date of appointment of the petitioners with all consequential benefits.

2. Learned counsel for the petitioners states that the Staff Selection Commission (SSC) had issued a common advertisement inviting applications for

filling up the post of Sub-Inspectors in Central Police Organization (Sub-Inspector) Examination, 2003 through various levels of examination conducted

by the SSC. He emphasises that as per the advertisement the last date for applying under the said advertisement was 18th July, 2003.

3. He states that the petitioners applied for the said post and accordingly appeared in written examination on 07th September, 2003 as well as for

Physical Endurance Test during 17th November 2003 to 30th November, 2003 and interview as well as medical examination were held between

February and April, 2004. According to him, the results were published in the newspaper during 22nd May, 2004 to 28th May, 2004.

4. Learned counsel for the petitioners points out that in the interregnum, a new Contributory Pension Scheme was introduced vide Notification dated

22nd December, 2003, which was to be implemented w.e.f. 01st January, 2004.

5. He contends that batchmates of the petitioners have been given benefit of Old Pension Scheme under various judgements passed by this Court in

Patil Gopal Babulal & Ors. vs. Union of India & Ors., W.P.(C) 11646/2018; Tanaka Ram & Ors. vs. Union of India & Ors., 2019 (174) DRJ 146

(DB); Shyam Kumar Choudhary and Ors. vs. Union of India being W.P.(C) No.1358 of 2017, Niraj Kumar Singh & Ors. vs. Union of India & Ors.,

W.P.(C) No.13129/2019 and SI/MIN M.R. Gurjar & Ors. vs. Union of India & Ors., W.P.(C) 8208/2020.

6. Issue notice.

7. Ms. Rashmi Bansal, Advocate accepts notice on behalf of respondents. She prays for some time to file a counter-affidavit.

8. However, keeping in view the fact that similar matters have already been disposed of, the request for filing counter-affidavit is declined.

9. Having regard to the fact that in the present case also the advertisement/ notification was issued in June, 2003 i.e. prior to coming into force of the

present contributory pension scheme on 22nd December, 2003, this Court is of the opinion that petitioners cannot be deprived of the benefit of the Old

Pension Scheme. This is more so when the batchmates of the petitioners are getting this benefit under various judgements passed by this Court.

10. For the above reasons, the petition is allowed. Respondents are directed to

extend the benefit of Old Pension Scheme to each of these petitioners
and pass consequential orders within a period of eight weeks from today.
Accordingly, the writ petition stands disposed of.