

(2023) 08 DEL CK 0227

In the Delhi High Court

Case No : Civil Writ Petition No. 11486, 11487 Of 2023, Civil Miscellaneous
Application No. 44734, 44735, 44736, 44737, 44738, 44739 Of 2023

Vikramjit Kaur And Ors

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 29-08-2023

Acts Referred:

Citation : (2023) 08 DEL CK 0227

Hon'ble Judges : V. Kameswar Rao, J;Anoop Kumar Mendiratta, J

Bench : Division Bench

Advocate : Sriparna Chatterjee, Soumitra Chatterjee, Avnish Singh, Santosh Kumar Yadav, Aditya Vikram Dambla, Vishal Kumar Yadav, Kanchan Kumar, Vivek Nagar, Mohit Auluck, S. Rajappa, R. Gowrishankar

Final Decision : Disposed Of

Judgement

V. Kameswar Rao, J

CM APPL. 44735/2023

CM APPL. 44738/2023

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

CM APPL. 44736/2023

CM APPL. 44739/2023

For the reasons stated in the applications, the documents are allowed to be filed on record.

Applications stand disposed of.

W.P.(C) 11486/2023 & CM APPL. 44734/2023

1. This petition has been filed with the following prayers:

"i) pass an order holding the non grant of interim relief by tribunal order dated 13.07.2023 and 17.07.2023, 11.08.2023 is bad in law; and/or

ii) Issue a writ of mandamus directing the Respondents to permit the Petitioners to exercise their option before the cut-off date for opting the CCS Pension Rules 1972 (2021)/Old Pension Scheme, pending disposal of the proceedings before the Hon'ble Tribunal."

"i) quash the order dated 9.08.2023 to the extent of decline of interim relief by the tribunal; and/or

ii) Issue a writ of mandamus directing the Respondents to permit the Petitioners to exercise their option before the cut-off date for opting the CCS Pension Rules 1972 (2021)/Old Pension Scheme, pending disposal of the proceedings before the Hon'ble Tribunal."

2. The submission of Ms. Chatterjee, learned counsel for the petitioners is that though the issue with regard to the applicability of O.M. March 03, 2023, issued by Ministry of Finance on Old Pension Scheme, is being contested by the respondents qua the employees of Kendriya Vidyalaya Sangthan, the Tribunal vide the impugned orders, has not allowed the interim relief in favour of the petitioners herein for submitting their option.

3. Mr. Rajappa, who appears for Kendriya Vidyalaya Sangthan, on instructions, submits that if the petitioners succeed before the Tribunal, the Tribunal can direct the respondents to seek options from the applicants for being covered under the Old Pension Scheme. If that be so, taking the statement made by Mr. Rajappa on record, the petition is disposed of.

4. It is made clear that we have not expressed ourselves on the merits of the issue, which arises for consideration in this petition or in the O.A. before the Tribunal.