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

+ W.P.(C) 13792/2022

DR N. K. TULI

..... Petitioner

Through: Mr. V.V. Gautam and Ms. Saloni Singh, Advs.

versus

UNION OF INDIA & ANR.

..... Respondent

Through: Ms. Mansi Verma, Adv. for Mr. Ruchir Mishra, Adv.

+ W.P.(C) 13802/2022

D.M. GAUTAM

..... Petitioner

Through: Mr. V.V. Gautam and Ms. Saloni Singh, Advs.

versus

UNION OF INDIA & ANR.

..... Respondent

Through: Counsel appeared through V.C.
(appearance not given)

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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23.09.2022

CM APPL. 42156/2022 in W.P.(C) 13792/2022

CM APPL. 42179/2022 in W.P.(C) 13802/2022

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 13792/2022 & W.P.(C) 13802/2022

3. The petitioners who are Ex-Members (Technical) of the Railway Claims Tribunal have approached this Court seeking the following reliefs:

“(i) issue a writ of mandamus and any other appropriate writ, for seeking issuance of specific



direction to the Respondents, to apply Rule 49 (3) of CCS (Pension) Rules, 1972, for calculating the lengthy of qualifying service for the purpose of fixing pension of the Petitioner, as four years, by reckoning the entire length of service, served by the Petitioner as Member/ Vice-Chairman of Railway Claim Tribunal

(ii) Direct the Respondents to grant consequential benefits thereof to the Petitioner, after fixation of Petitioner's pension, in terms of provisions of Rule 49(3) of CCS (Pension) Rules, 1972.

iii) Pass such other order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case and in the interest of justice, equity and fair trial."

4. Learned counsel for the petitioners submits that even though the reliefs being sought by the petitioners are squarely covered by the decision of the Orissa High Court in W.P.(C) 7291/2016 and of the Kerala High Court in W.P.(C) 3852/2021, the benefits have already been granted to the petitioners whereas in these cases the respondents are still not extending the said benefits to the petitioners.
5. Issue notice. Learned counsel for the respondent no.1 accepts notice. In view of the reliefs sought in the present petitions, no notice is required to be issued to the respondent no. 2. Learned counsel for respondent no. 1 are granted two weeks' time to obtain instructions and/or file a counter affidavit. Rejoinder thereto, if any, be filed within two weeks, thereafter.
6. List on 16.11.2022.

REKHA PALLI, J

SEPTEMBER 23, 2022
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