

Ex. Hc/Gd Subhash Chand vs Union Of India & Ors on 22 January, 2019

Author: S. Muralidhar

Bench: S.Muralidhar, Sanjeev Narula

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 670/2019

EX. HC/GD SUBHASH CHAND Petitioner

Through: Mr. O. P. Agarwal, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vijay Joshi, Senior Counsel for
UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 22.01.2019 CM APPL. 2992/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions. W.P.(C) 670/2019

2. The Petitioner had earlier approached this Court with a writ petition which was heard on 9th July 2018 along with a batch of writ petitions seeking similar relief. A common order was passed by this Court on that date dismissing the petitions. The Court noted that the letters addressed by the counsel for the Petitioners to the Respondents prior to the filing of the petitions had not set out the necessary details. They had not even indicated on whose behalf they were being sent. However, this Court in the said order dated 9th July 2018 permitting the Petitioners "who are aggrieved by the action of the Respondents in failing to grant them the benefits of the MACP Scheme from the due date, to approach the Respondents for relief in the first instance." Further it was directed that: "If relief is not granted by the Respondents for any unjustified reason, then the Petitioners would be at liberty to seek legal recourse."

3. It appears that, pursuant thereto, on the very next day i.e. on 10th July 2018, counsel for the Petitioners addressed a letter to the Respondents i.e. the Department of Personnel and Training (DoPT), Government of India asking inter alia that the judgment dated 8th December 2017 passed by the Supreme Court in Civil Appeal Diary No.3744 of 2016 (Union of India v. Balbir Singh Turn & Ors.) be implemented. Attached with this notice was a list of 105 of the persons, including the present Petitioner with the details in four columns i.e. name of the person, last served battalion, date of appointment and the date of retirement.

4. As rightly pointed out by counsel for the Respondents, the above kind of a general 'request for clarification', without indicating in the case of each of the persons whose names figured in the list as to how they would be specifically eligible for the ACP, benefits under the MACP scheme and how the calculation of their pensions was erroneous, was pointless. According to her, unless those details are given, it will not be possible for the DoPT to address the grievances of such persons. As she rightly points out, if these details are given in the first instance, it is quite possible that the grievance may be resolved by the DoPT itself, obviating the need for such persons to come to the Court.

5. In view of the above statement, learned counsel for the Petitioner seeks leave to withdraw these petitions with liberty to first approach the Respondents with proper notices setting out the full particulars of each of the Petitioners separately as stated by learned counsel for the Respondents. Thereafter, if either there is no response forthcoming within the time indicated hereafter or if the response does not satisfactorily address the grievance of the Petitioner, then to approach the Court with a fresh petition.

6. It is directed that if the individual notices are sent to the Respondents within the next three months, the Respondents will process the said notices and give their replies individually within a further period of three months thereafter with copy to the counsel for the Petitioners who sent such notices.

7. This petition is dismissed as withdrawn with liberty as prayed for.

8. This order be given dasti under the signatures of the Court Master.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 22, 2019 nk