



- (i) The respondents were promoted as Additional DIGs in the CRPF during the period 27 January 1994 and 1 July 1997 and retired during the period 31 October 1997 and 31 October 2004;
  - (ii) Following the report of the Sixth Central Pay Commission, there was a restructuring as a result of which the post of Additional DIG was merged with that of the DIG; and
  - (iii) The judgment would result in the respondents, who had not held the post of DIG and had retired prior to 1 January 2006, being required to be paid pension on the basis that they had held the post of DIG.
- 3 On the other hand, reliance has been placed by Mr A K Trivedi, learned counsel appearing on behalf of the respondents, on the OMs dated 15 September 2008 and 28 January 2013 (Annexures P-3 and P-4).
- 4 The issue would require consideration. Hence, issue notice, returnable in twelve weeks.
- 5 Mr A K Trivedi, learned counsel, accepts notice on behalf of the respondents and waives service.
- 6 The counter affidavit shall be filed within six weeks from today.
- 7 The rejoinder, if any, be filed within four weeks thereafter.
- 8 Till the next date of listing, no coercive steps shall be taken against the petitioners on the basis of the impugned direction of the High Court.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**