

Ashok Kumar Bhat and Ors vs Union of India and Ors

Ashok Kumar Bhat and Ors vs Union of India and Ors

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Court : Delhi

Decided On : Apr-15-2026

Judge : Hon'Ble Mr. Justice Amit Mahajan,Hon'Ble Mr. Justice Anil Kshetarpal

Appeal No. : W.P.(C)/558/2021

Appellant : Ashok Kumar Bhat and Ors

Respondent : Union of India and Ors

Advocate for Pet/Ap. : Mr. Satya Ranjan Swain, Mr. Kautilya Birat, Mr. Ajay Pal, Mr. Ramniwas Yadav CRPF, Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek Mishra, Mr. Mukesh Kumar Tiwari, Mr. Farman Ali, Mr. Vijay Kumar, Mr. Vidhik Kumar, Mr. Satya Ranjan Swain, Mr. Kautilya Birat, Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek Mishra, Mr. Mukesh Kumar, Mr. Nishant Mankoo, Mr. Ajay Pal, Mr. Ramniwas Yadav

Judgement :

\$~70 to 78 and 15 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision: 15.04.2026 + W.P.(C) 12501/2019 and CM APPL. 9542/2021 CHARANJIT LAL AND ORS.Petitioners Through: None. versus UNION OF INDIA AND ORS.Respondents Through: Mr. Satya Ranjan Swain, CGSC with Mr. Kautilya Birat, Adv. Mr. Ajay Pal, Law Officer with Insp Athurv and Mr. Ramniwas Yadav CRPF. (71) + W.P.(C) 13195/2019 BHARAT SINGH & ORSPetitioners Through: Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr.

Ramneek Mishra, Mr. Mukesh Kumar Tiwari, Advs. versus UNION OF INDIA & ORSRespondents Through: Mr. Farman Ali, CGSC with Ms.Usha Jamnal, Adv. (72) + W.P.(C) 2405/2020 RAMAVATAR SHARMA AND ORS.Petitioners Through: Mr. Vijay Kumar, Mr. Vidhik Kumar, Advs. versus UNION OF INDIA AND ANR.Respondents Through: Mr. Satya Ranjan Swain, CGSC with Mr. Kautilya Birat, Adv. (73) + W.P.(C) 9033/2020 DEVENDER SINGH SANGWAN AND ORSPetitioners Through: Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek Mishra, Mr. Mukesh Kumar

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 1 of 13 Signing Date:18.04.2026 11:31:26 Tiwari, Advs. versus UNION OF INDIA AND OTHERSRespondents Through: Mr. Farman Ali, CGSC with Ms.Usha Jamnal, Adv. Mr. Ajay Pal, Law Officer with Insp Athurv and Mr. Ramniwas Yadav CRPF. (74) + W.P.(C) 9157/2020 SHRI N.K.S. GAUTAM AND OTHERSPetitioners Through: Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek Mishra, Mr. Mukesh Kumar Tiwari, Advs. versus UNION OF INDIA AND OTHERSRespondents Through: Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava, Mr. Ayush Tanwar, Mr. Arpan Narwal, Mr. Kushagra Malik, Mr.Ujjwal Tyagi, Advs. for UOI. Mr. Ajay Pal, Law Officer with Insp Athurv and Mr. Ramniwas Yadav CRPF. (75) + W.P.(C) 3467/2021 ASHOK KUMAR SHARMA & ORSPetitioners Through: Mr. Vijay Kumar, Mr. Vidhik Kumar, Advs. versus UNION OF INDIA & ANRRespondents Through: Mr. Meeraaj, CGSC with Mr. Soumyadip Chakraborty, Adv. (76) + W.P.(C) 4501/2021 and CM APPL. 13758/2021 RAM PRASAD ROY AND OTHERSPetitioners Through: Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 2 of 13 Signing Date:18.04.2026 11:31:26 Mishra, Mr. Mukesh Kumar Tiwari, Advs. versus UNION OF INDIA AND OTHERSRespondents Through: None. (77) + W.P.(C) 558/2021 and CM APPL. 1467/2021 ASHOK KUMAR BHAT AND ORSPetitioners Through: Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek Mishra, Mr. Mukesh Kumar Tiwari, Advs. versus UNION OF INDIA AND ORSRespondents Through: Mr. Ripudaman Bhardwaj, CGSC with Mr. Amit Kumar Rana, Adv. for UOI. Mr. Ajay

Pal, Law Officer with Insp Athurv and Mr. Ramniwas Yadav CRPF. (78) + W.P.(C) 2145/2023 and CM APPL. 8092/2023 SUBHASH CHOWDHURY & ORS.Petitioners Through: Mr. Shanker Raju, Mr. Sanjiv Kumar Saxena, Mr. Ramneek Mishra, Mr. Mukesh Kumar Tiwari, Advs. versus UNION OF INDIA & ANR.Respondents Through: Mr. N K Aggarwal, Senior Panel Counsel for UOI. Mr. Ajay Pal, Law Officer with Insp Athurv and Mr. Ramniwas Yadav CRPF.

(15) + W.P.(C) 4226/2022 K. SIVAKUMAR & ORS.Petitioners Through: Mr. Nishant Mankoo, Adv. through V.C.

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 3 of 13 Signing Date:18.04.2026 11:31:26 versus

UNION OF INDIA & ANR.Respondents Through: Mr Ajay Pal, Law Officer, Insp Athurv & Mr Ramniwas Yadav, CRPF. CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL HON'BLE MR. JUSTICE AMIT MAHAJAN J U D G M E N T (ORAL) ANIL KSHETARPAL, J.: CM APPL. 43358/2021[For condonation of delay in filing REVIEW PET. 198/2021] in W.P.(C) 13195/2019 1. The present application has been filed by the Applicant/Mr. Devender Singh Sangwan seeking condonation of delay of 170 days in filing REVIEW PET. 198/2021.

2. For the reasons as stated in the application, the same are allowed. The delay is condoned.

3. The application stands disposed of.

CM APPL. 43383/2021[For condonation of delay in filing REVIEW PET. 199/2021] in W.P.(C) 13195/2019 4. The present application has been filed by the Applicant/Mr. N.S. Gautam seeking condonation of delay of 170 days in filing REVIEW PET. 199/2021.

5. For the reasons as stated in the application, the same are allowed. The delay is condoned.

6. The application stands disposed of.

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 4 of 13 Signing Date:18.04.2026 11:31:26 W.P.(C) 12501/2019 and CM APPL. 9542/202[For impleadment] REVIEW PET. 198/2021 in W.P.(C) 13195/2019 REVIEW PET. 199/2021 in W.P.(C) 13195/2019 W.P.(C) 2405/2020 W.P.(C) 9033/2020 W.P.(C) 9157/2020 W.P.(C) 3467/2021 W.P.(C) 4501/2021 and CM APPL. 13758/2021[For exemption] W.P.(C) 558/2021 and CM APPL. 1467/2021[For exemption] W.P.(C) 2145/2023 and CM APPL. 8092/2023[For directions] W.P.(C) 4226/2022

7. The present batch of Writ Petitions and Review Petitions arises from a common grievance concerning entitlement of personnel of the Central Armed Police Forces (CAPFs), including the Border Security Force (BSF), Central Reserve Police Force (CRPF), Indo- Tibetan Border Police (ITBP) and Sashastra Seema Bal (SSB), who retired between the years 2011 and 2016, to consequential pensionary benefits arising out of enhancement of the age of superannuation from 57 years to 60 years, pursuant to directions issued by this Court in W.P.(C) 1951/2012, *Dev Sharma v. Indo- Tibetan Border Police & Anr.*, and the further proceedings.

8. Since identical questions of fact and law arise, the present Writ Petitions and Review Petitions were heard together and are being disposed of by this common judgment.

9. The controversy has its genesis in the long-standing disparity in the age of retirement prevailing within CAPFs. Under Rule 43(a) of Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 5 of 13 Signing Date:18.04.2026 11:31:26 the CRPF Rules, 1955, and corresponding provisions applicable to other CAPFs, personnel holding the rank of Commandant and below were required to superannuate upon attaining the age of 57 years, whereas officers above the rank of Commandant continued in service till 60 years. In contrast, in forces such as the Assam Rifles (AR) and the Central Industrial Security Force (CISF), personnel across all ranks retired uniformly at the age of 60 years.

10. The aforesaid distinction led to multiple Writ Petitions being instituted before this Court beginning in the year 2012, the lead matter being *Dev Sharma (supra)*.

Pertinently, several Petitioners therein had already retired at the age of 57 years during the pendency of Dev Sharma.

11. In Dev Sharma (supra), by a detailed judgment dated 31.01.2019, this Court examined the constitutional validity of the differential retirement ages and held that prescribing two different ages of superannuation within the same force created an impermissible classification and violated the guarantee of equality under Article 14 of the Constitution of India.

12. Consequently, Rule 43(a) of the CRPF Rules, 1955, along with analogous provisions governing other CAPFs, was declared unconstitutional and struck down. Thereafter, this Court directed the Respondents to take consequential steps for prescribing a uniform retirement age for all CAPF personnel irrespective of rank. Of particular significance were the directions contained in Paragraph Nos.70 to 72 of the Dev Sharmas judgment. The same have been

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 6 of 13 Signing Date:18.04.2026 11:31:26 extracted below: 70. The Court recognises that there are bound to be implications- both organisationally and financially - as a result of the implementation of this decision. The Respondents shall, unless this judgment is further challenged and subject to any interim order in such proceedings, implement it across the board to all members of the CAPFs without insisting on each of them approaching the Court for identical relief. For that matter, even though the members of the SSB have not yet approached this Court, if they are identically placed as these Petitioners, it should be implemented for them as well. 71. Accordingly a direction is hereby issued that within a period of four months from today the Respondents i.e. the MHA in consultation with the CAPFs concerned will take all consequential steps by way of implementation of this judgment. This will include arriving at a decision as regards the retirement age which will uniform for all members of the CAPFs irrespective of their rank thus bringing all of them, including the CISF and the AR, on par and fixing the date from which such changed retirement age will take effect. 72. The Court clarifies that this judgment will not have the effect of reinstatement of the Petitioners who have already retired. In view of the principle of no work, no

pay, it will also not have the effect of their being entitled to any arrears of pay for any further period beyond their retirement. However, for the purposes of calculation of retiral benefits, including pension and gratuity, the differential period (in the event of enhancement of the retirement age) will be added to period of service actually rendered by each of them. In other words, their notional date of retirement would be arrived at by adding the differential years to their actual date of retirement. On such calculation they would be entitled to the arrears of retirement benefits after adjusting the amount already paid. (Emphasis supplied.)

13. Thereafter, the Ministry of Home Affairs (MHA), Government of India, issued Office Order No. F.No.45020/1/2019/Legal-I dated 19.08.2019, whereby the age of superannuation for all CAPF personnel was fixed uniformly at 60 years.

14. Pursuant to the Office Memorandum dated 19.08.2019 enhancing the age of superannuation to 60 years, the Respondents

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 7 of 13 Signing Date:18.04.2026 11:31:26 issued further implementation and clarificatory orders governing the manner in which consequential benefits were to be extended to retired personnel of the CAPFs.

15. By order dated 11.09.2019, applicable inter alia to BSF personnel, the Respondents restricted the benefit of exercising option for rejoining service or grant of three additional increments only to those personnel who had retired between 31.01.2019 and 19.08.2019. Similar communications issued thereafter clarified that personnel who had already retired prior to the implementation order would not be entitled to reinstatement, and pensionary benefits would be regulated in terms of the conditions specified therein.

16. Several Petitioners submitted representations seeking extension of notional service benefits and revision of pension on the ground that they had not attained the age of 60 years as on 31.01.2019. These representations came to be rejected through individual communications, including rejection letters dated 29.11.2019 and other similarly worded orders.

17. Aggrieved by the restrictive implementation of the judgment in Dev Sharma (supra) and alleging discrimination amongst similarly situated CAPF pensioners, the Petitioners instituted the present batch of Writ Petitions challenging the aforesaid orders and seeking extension of consequential retiral and pensionary benefits at par with those already granted such relief.

18. The Petitioners herein claim to be identically situated to the Petitioners in Dev Sharma (supra) and contend that denial of similar

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 8 of 13 Signing Date:18.04.2026 11:31:26 consequential benefits amounts to selective implementation of the said judgment, resulting in discrimination amongst similarly placed CAPF pensioners in violation of Articles 14, 16 and 21 of the Constitution of India.

19. The Respondents, on the other hand, justify the impugned actions on the ground that benefits flowing from the earlier judgment does not extend to the present Petitioners, and that the Petitioners, having already superannuated prior to the judgment in Dev Sharma (supra), cannot claim automatic extension of benefits absent an express direction of the Court or policy decision of the Government.

20. In the aforesaid backdrop, the present batch of Writ Petitions requires this Court to determine whether the Petitioners, though not parties to the earlier litigation, are entitled to claim extension of benefits granted pursuant to Dev Sharma (supra) and subsequent orders, on the principle of parity and non-discrimination.

21. In Bharat Singh & Ors. v. Union of India & Ors., W.P.(C) 13195/2019, this Court clarified the scope and applicability of the directions issued in Dev Sharma (supra) and delineated the category of personnel entitled to consequential benefits arising from enhancement of the age of superannuation. The Court held that while the benefit of the judgment in Dev Sharma was intended to operate across the CAPFs, such benefit would be available only to those personnel who had retired prior to 31.01.2019 and had not crossed the age of 60 years as on that date. The Court rejected the contention of the Respondents that relief was confined only to

the original

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 9 of 13 Signing Date:18.04.2026 11:31:26 Petitioners and directed that similarly situated personnel need not independently approach the Court to claim parity. The relevant observations are extracted below:

9. It requires to be acknowledged that the Respondents have accepted part of the above directions by making the order dated 19th August, 2019 applicable across the board to all CAPFs, including SSB, the personnel of which were not before the Court. Having done so, it does not stand to reason that the Respondents should confine the benefit of paragraph 72 of the judgment in Dev Sharma (supra) and batch only to the 'Petitioners' in those cases, and not to all persons across the board in all CAPFs who had retired prior to 31st January, 2019 and who had not crossed 60 years as of that date. 10. It requires to be clarified that the benefit of paragraph 72 of the judgment of this Court in Dev Sharma (supra) will be available only to those who had not crossed 60 years of age as on 31 January, 2009. It is further clarified that the present order will not disturb the benefit already extended in terms of para 72 of that judgment and in terms of Para 2 (c) of the order dated 19th August 2019 to any of the Petitioners in the Dev Sharma batch, who may have crossed the age of 60 years as on 31 January 2019. 11. A direction is accordingly issued to the Respondents to extend to the present Petitioners, and anyone else who is similarly placed but has not come to the Court or not yet made a representation to the Respondents, the benefit of paragraph 72 of the order of this Court. In other words, the benefit of para 2 (c) of the order dated 19th August, 2019 would be available to all those in the CAPFs who retired prior to 31st January 2019 provided that they had not crossed the age of 60 years as on 31 January, 2019. (Emphasis supplied.)

22. The position was subsequently reiterated and applied by this Court in Rajender Singh & Ors. v. Union of India & Ors., W.P.(C) 2834/2021, wherein the Court, after considering Dev Sharma (supra) and the clarifications issued in Bharat Singh (supra), held that personnel who had already crossed the age of 60 years as on 31.01.2019 would not be entitled to the benefit of continuation in service or

consequential financial advantages.

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 10 of 13 Signing Date:18.04.2026 11:31:26 23. Admittedly, the present Petitioners had retired in or before the year 2016 and had crossed the age of 60 years prior to 31.01.2019. Their claim is, therefore, squarely covered by the ratio of Rajender Singh (supra). The relevant extract reads as under:

10. Having heard learned counsel for the parties, this Court finds that the Division Bench which pronounced the judgment in Dev Sharma vs. ITBP (Supra) had itself subsequently clarified in Bharat Singh & Ors. vs. Union of India & Ors.(Supra) that the judgment in Dev Sharma vs. ITBP (Supra) as well as that of the Government order dated 19th August, 2019 would be applicable to those in the CAPFs, who had not crossed the age of sixty years as on 31st December, 2019. Since the petitioners had crossed the age of sixty years prior to 31st January, 2019, they would not be entitled to the benefit in accordance with the Division Bench judgment in Bharat Singh & Ors. vs. Union of India & Ors.(Supra). Consequently, the issue raised in the present writ petition is not res integra. Further, this Court is of the view that the present writ petition cannot be used to challenge coordinate Division Benches judgments in Dev Sharma vs. ITBP (Supra) and Bharat Singh & Ors. vs. Union of India & Ors.(Supra) on grounds of being arbitrary and/or violative of Article 14 of the Constitution of India. Consequently, the present writ petition is dismissed.

24. Apart from the above, it is a settled principle of service law that payment of salary and attendant monetary benefits is ordinarily premised upon actual discharge of duties. The doctrine of no work, no pay embodies the equitable principle that an employee who has not rendered service cannot claim wages or service benefits for a period during which he was not in employment, unless a specific judicial direction creates such entitlement. The enhancement of the age of superannuation, by itself, does not automatically confer retrospective financial benefits upon personnel who had already retired and did not serve during the relevant period.

25. It is equally significant that the Petitioners did not challenge

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 11 of 13 Signing Date:18.04.2026 11:31:26 their retirement orders at the relevant time nor sought continuation in service when the issue of enhancement of retirement age was sub judice before this Court. Having accepted superannuation and remained out of service for several years, the Petitioners cannot now claim notional continuation or consequential monetary benefits as though they had remained in service. Grant of such relief would amount to conferring advantages without corresponding service and would run contrary to settled principles governing service jurisprudence.

26. The judgments in Dev Sharma (supra), as clarified in Bharat Singh (supra) and subsequently followed in Rajender Singh (supra), have consciously drawn a distinction between personnel who had not crossed the age of 60 years as on 31.01.2019 and those who had already crossed the said age. The Petitioners admittedly fall in the latter category. The issue therefore stands concluded by Co-Ordinate Bench decisions and cannot be reopened in the present proceedings.

27. In view of the aforesaid discussion, this Court finds no merit in the present Writ Petitions and Review Petitions. The Petitioners, having retired prior to 2016 and having crossed the age of 60 years as on 31.01.2019, are not entitled to the benefit flowing from Paragraph No.72 of the judgment in Dev Sharma (supra) or the subsequent Government order dated 19.08.2019.

28. The Writ Petitions and Review Petitions are accordingly dismissed. Pending applications, if any, also stand disposed of.

Signature Not Verified Signed By:JAI NARAYAN W.P.(C) 12501/2019 and connected matters Page 12 of 13 Signing Date:18.04.2026 11:31:26 29. A photocopy of the order passed today be kept in the connected matters.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J. APRIL 15, 2026 s.godara/sh

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connected matters Page 13 of 13 Signing Date:18.04.2026 11:31:26

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