

HIGH COURT OF UTTARAKHAND AT NAINITAL

MCC No. 2 of 2021

In

Writ Petition (S/S) No. 1330 of 2017

Smt. Santosh Devi

.....Petitioner

Versus

Indian Institute of Technology (I.I.T.)
Roorkee and others.

....Respondents

Present:

Mr. Pankaj Miglani, Advocate for the petitioner.

Mr. Vipul Sharma, Advocate for the respondents/review
applicants.

Hon'ble Ravindra Maithani, J.(Oral)

Instant petition was decided on 06.09.2021,
now respondents have filed a review application. The
application has been filed mainly on the following
grounds:-

- (i) The son of the petitioner has already
been appointed under dying-in-harness.
He has been appointed on pensionable
post.
- (ii) The husband of the petitioner had opted
for Contributory Pension Fund ("CPF"),
therefore, family pension could not be
granted to the petitioner.
- (iii) The Government Order dated
14.03.1978 would entitle pension to

only such employees, who have completed more than three years of service, as on 01.01.1978. But, the services of the husband of the petitioner were less than three years on 01.01.1978.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the respondents would restrict his arguments to the CPF issue only. According to him, he does not press other grounds.

4. Learned counsel for the respondents would submit that since the husband of the petitioner had opted for CPF Scheme, the petitioner could not get benefit of family pension.

5. Learned counsel would submit that, in fact, on behalf of the petitioner, an argument was raised that certain other employees, who had opted for CPF Scheme were also granted family pension. Therefore, it is argued that there cannot be any negative equality.

6. The Court wanted to know, how is it negative equality? It is *per se* equality. If one benefit is given to similar set of employees, why it is denied to other employees, who are similarly placed?

7. Even otherwise, the issue of CPF had already been argued on behalf of the respondents and the Court had dealt with in its judgment and order dated 06.09.2021.

8. There appears to be no error on the face of record, which may require any review on this count also. Therefore, the review application is devoid of merits and does not have any force. Accordingly, it deserves to be dismissed.

9. The review application is dismissed.

(Ravindra Maithani, J.)
31.12.2021

Jitendra