

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF APRIL, 2022**

**PRESENT**

**THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR**

**WRIT PETITION NO.4237 OF 2021 (GM-RES-PIL)**

BETWEEN:

WING COMMANDER G B ATHRI (RETIRED)

...PETITIONER

(BY SRI GANESHA R, ADVOCATE FOR  
SRI S V PRAKASH, ADVOCATE)

AND

1. UNION OF INDIA  
REPRESENTED BY DEFENCE SECRETARY  
MINISTRY OF DEFENCE  
GOVT. OF INDIA, SOUTH BLOCK  
NEW DELHI-110 011
2. THE SECRETARY  
DEPARTMENT OF EX-SERVICEMEN  
WELFARE, MINISTRY OF DEFENCE  
GOVERNMENT OF INDIA  
SENABHAVAN  
NEW DELHI-110 011
3. THE SECRETARY  
MINISTRY OF FINANCE  
GOVT. OF INDIA

NORTH BLOCK  
NEW DELHI-110011

...RESPONDENTS

(BY SRI SHANTHI BHUSHAN H, ASG FOR R-1 TO 3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN APPROPRIATE WRIT OR ORDER OR DIRECTION DIRECTING THE RESPONDENTS TO IMPLEMENT THE RECOMMENDATION OF ONE MAN JUDICIAL COMMITTEE RESOLVING ANOMALIES IN THE IMPLEMENTATION OF ONE RANK ONE PENSION TO ALL THE PENSIONERS DRAWING PENSION AS ON 01.07.2014 FORTHWITH AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **S.R.KRISHNA KUMAR .J** MADE THE FOLLOWING:

**ORDER**

Learned counsel for the petitioner seeks permission to withdraw the memo of retirement dated 01.04.2022. The submission of the learned counsel for the petitioner is placed on record. Memo of retirement is dismissed as rejected.

2. In this petition, the petitioner has sought for the following reliefs:

*"a) Issue an appropriate writ or order or direction directing the respondents to implement the recommendation of one man judicial committee resolving anomalies in the implementation of one rank one pension to all the pensioners drawing pension as on 01.07.2014 forthwith;*

*b) Issue a writ in the nature of mandamus commanding the respondents to take immediate steps to re-fix the one rank one pension for ex-service men (OROP) w.e.f. 01.07.2019 for ex-*

*service men and consequently disburse the same with arrears with immediate effect and issue any other appropriate writ or order direction as this Hon'ble Court deems it appropriate in the facts and circumstances of the case to secure the ends of justice.*

*c) Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case in the interest of justice and equity."*

3. Learned Assistant Solicitor General has filed a memo dated 24.03.2022 enclosing the copy of the judgment passed by the Apex Court in the case of ***Indian Ex Servicemen Movement & Ors. versus Union of India & Ors. [2022 LiveLaw (SC) 289]*** and submits that the subject matter of the present petition is directly and squarely covered by the aforesaid judgment of the Apex Court and consequently, nothing further survives in the present petition.

4. The submission of the learned Assistant Solicitor General and the judgment of the Apex Court are placed on record.

5. Learned counsel for the petitioner does not dispute the submission made by learned Assistant Solicitor General.

6. In view of the aforesaid facts and circumstances and in the light of the judgment of the Apex Court referred to *supra*, nothing further survives for consideration in the present petition and the same is accordingly dismissed.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

VM