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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 679/2020**

CORPORAL SHIV SHANKAR (764896) RETD. ..... Petitioner

Through: Mr. Manoj Gupta, Advocate

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Ms. Barkha Babbar, Advocate for Respondent/UOI

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

<u>O R D E R</u>

% **20.01.2020**

<u>CM APPL. 1903/2020 (Exemption)</u>

1. Allowed, subject to all just exceptions.

<u>W.P.(C) No. 679/2020</u>

2. Notice. Notice is accepted by learned counsel for the Respondents.

3. The Petitioner, who served in the Indian Air Force ('IAF') for nearly 11 years and upon being discharged from the IAF got absorbed in the Indian Revenue Service ('IRS'), seeks by way of the present a petition a direction to the Respondents to grant him *pro rata* pension.

4. The facts of the case at hand are more or less similar to the facts which constitute the subject matter of the decisions of this Court dated 9th January, 2019 in W.P.(C) 10026/2016 ***(Govind Kumar Srivastava v. Union of India),*** 11th December, 2019 in W.P.(C) 5642/2019 (***Mohammad Israr

Khan v. Union of India*)** and 15th January, 2020 in W.P.(C) 9524/2019 ***(Rakesh Kumar v. Union of India). The only point of difference is that the Petitioner here has moved from the IAF to the IRS under the Government of India. The Court does not see any justification to decline the Petitioner the same relief that was granted in the above decisions on account of the aforesaid distinction.

5. Accordingly, a direction is issued to the Respondents to grant to the Petitioner *pro rata* pension from the date of his discharge, with arrears being paid not later than 12 weeks from today failing which the Respondents would be liable to pay simple interest at the rate of 6% per annum on the said sum for the period of delay.

6. The petition is allowed in the above terms.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 20, 2020
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