

\$~5 to 8 & 10

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

+ W.P.(C) 2251/2020

VINOD KUMAR Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.T.P. Singh, Sr. Panel counsel with
Mr.Pradeep Jha, Advocate for UOI

+ W.P.(C) 2253/2020

SNEHIL KUMAR SRIVASTAVA Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.T.P. Singh, Sr. Panel counsel with
Mr.Pradeep Jha, Advocate for UOI

+ W.P.(C) 2387/2020

MD. IQBAL ABID Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.Sanjeev Sabharwal, Sr. Standing
Counsel for UOI with Mr.Ashish
Singh, Mr.Kabir Hazarika and
Mr.Hem Kumar, Advocates for R-1, 2
& 3

+ W.P.(C) 2388/2020

UDAI PRATAP SINGH

..... Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Sanjeev Sabharwal, Sr. Standing
Counsel for UOI with Mr.Ashish
Singh, Mr.Kabir Hazarika and
Mr.Hem Kumar, Advocates for R – 1
to 3

+ W.P.(C) 2508/2020

PAWAN KUMAR

..... Petitioner

Through: Mr.Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Vijay Joshi, Sr.Panel Counsel for
UOI and Ms.Vinny Shangloo with
Mr.Rishabh Relan, Advocates for
UOI

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

12.03.2020

CM No. 7856/2020 (exemption) in W.P.(C) 2251/2020

CM No. 7862/2020 (exemption) in W.P.(C) 2253/2020

CM No. 8344/2020 (exemption) in W.P.(C) 2387/2020

CM No. 8791/2020 (exemption) in W.P.(C) 2508/2020

1. Exemptions allowed subject to just exceptions.
2. The applications stand disposed of.

**W.P.(C) 2251/2020, 2253/2020, W.P.(C) 2387/2020, W.P.(C) 2388/2020,
W.P.(C) 2508/2020**

3. The petitioner in each of these petitions seeks *pro rata* pension, after having been permitted to leave the employment of Air Force as a Non-Commissioned Officer, though after 10 years of service but before 15 years of service to be eligible for pension.

4. This Court vide judgment dated 9th January, 2019 in W.P.(C) No. 10026/2016 titled ***Govind Kumar Srivastava v. Union of India*** has held the Circular dated 19th February, 1987 giving benefit of *pro rata* pension only to Commissioned Officers leaving employment before qualifying the service for pension and not giving the same benefit to Non-Commissioned Officers, to be discriminatory and held the Non-Commissioned Officer leaving employment after 10 years of service but before 15 years of qualifying service also to be entitled for *pro rata* pension.

5. The counsel for the petitioner refers also to order dated 15th January, 2020 in W.P.(C) 9524/2019 titled ***Rakesh Kumar v. Union of India***.

6. The counsel for the petitioners on inquiry states that the petitioner in each of the petitions has completed 10 years of service and was relieved from employment as Non-Commissioned Officer with the NOC of the respondents.

7. The counsels for the respondents fairly agree that on the basis of the aforesaid dicta, the petitioner in each of these petitions is also entitled to *pro rata* pension.

8. Accordingly, a direction is issued to the respondents, to grant to each of the petitioners, upon verification, *pro rata* pension, from the date he was

discharged from service, with arrears being paid not later than 12 weeks from today, failing which the respondents shall be liable to pay simple interest @ 6 % p.a. on the said amount for the period of delay.

9. With the aforesaid directions, the petitions are disposed of.

RAJIV SAHAI ENDLAW, J

SANGITA DHINGRA SEHGAL, J

MARCH 12, 2020

SU/