

\$~21

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

+ **W.P.(C) 3628/2021**

DHIRAJ KUMAR

..... Petitioner

Through: **Mr. Manoj Kumar Gupta, Advocate**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr.B.S.Shukla, CGSC with Mr.Vinod Tiwari, Advocate.**

Date of Decision: 19th March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

CM APPL. 11000/2021 (Exemption) in W.P. (C) 3628/2021

Exemption allowed, subject to all just exceptions.

Accordingly, the applications stand disposed of.

W.P. (C) 3628/2021

1. Learned counsel for the petitioner states that the petitioner claims to be similarly placed to the petitioners in *Brijlal Kumar v. Union of India and others connected petitions 2020 SCC OnLine Del 1477* and the petitioners in *Govind Kumar Srivastava v. Union of India 2019 SCC OnLine Del 6425 (DB)* [against which Special Leave Petition (Civil) No. 8813/2019 has been dismissed on 26th April, 2019] and seeks the same relief as claimed therein i.e. of pro rata pension.

2. Learned counsel for the petitioner, on enquiry, states that the requisite No Objection Certificates (NOCs) had been given.

3. Learned counsel for the respondents fairly states that subject to the right to verification and the right of appeal to the Supreme Court against the judgment in **Brijlal Kumar** (supra) being saved, the petition be disposed of.

4. Accordingly, the petition is disposed of directing the respondents Indian Air Force that within twelve weeks herefrom, if they find the petitioner to be similarly placed as the petitioners in **Govind Kumar Srivastava** (supra) and **Brijlal Kumar** (supra) and other connected petitions supra, to grant him the same relief as granted in those petitions i.e. by payment of arrears of pro rata pension from the date of discharge till the date of payment and in future to continue to pay pro rata pension to the petitioner. However, if on verification it is found that the petitioner, for any reason, is not entitled to pro rata pension for reasons other than those stated in the judgments in **Govind Kumar Srivastava** (supra) and **Brijlal Kumar** (supra) and other connected petitions supra being in *personam*, the respondents, within the said twelve weeks, shall communicate to the petitioner, not so found entitled, the reasons in writing thereof and in which event, the petitioner shall be entitled to take further remedies there against. Needless to state that if any documents are asked for by the respondents, the same shall be furnished by the petitioner within a week.

5. If the arrears of pro rata pension are not paid within twelve weeks, the same shall also incur interest thereon @ 7% per annum from the expiry of twelve weeks till the date of payment.

MANMOHAN, J

ASHA MENON, J

MARCH 19, 2021

pkb