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

+ **W.P.(C) 10441/2021 & CM APPL. 32101/2021**

SMT SEEMA DEVI Petitioner

Through: **Ms. Pallavi Awasthi, Advocate.**

Versus

UNION OF INDIA AND ORS. Respondents

Through: **Mr. Dev P. Bhardwaj, CGSC**
with **Ms. Anubha Bhardwaj and**
Ms. Kavindra Gill, GP for UOI.

% **Date of Decision: 24th September, 2021.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. Learned counsel for the petitioner states that the petitioner herein is the widow of ex-serviceman and claims that her deceased husband is 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 26.04.2019.

2. Learned counsel for the petitioner, on enquiry, states that the requisite No *Objection* Certificates (NOC) had been given to the husband of the petitioner to join the State Bank of India and seeks the

same relief as claimed therein i.e. of pro rata pension and family pension after the death of her husband.

3. Learned counsel for the respondents fairly state 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 deceased husband of 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 her Pro-rata pension as granted in those petitions i.e. by payment of arrears of pro rata pension from the date of discharge till the date of death of her husband i.e. 03.04.2020 and thereafter family pension of pro-rata pension and in future to continue to pay family 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(s), not so found entitled, the reasons in writing thereof and in which event, the petitioner(s) 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

NAVIN CHAWLA, J

SEPTEMBER 24, 2021/rv

