$~Suppl.-25

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

\+ W.P. (C) 8341/2019

BINIT KUMAR .....Petitioner
Through: Ms. Pallavi Awasthi, Advocate.

Versus

UNION OF INDIA AND ORS. .....Respondents
Through: Mr. Vikas Mahajan, CGSC for R/UOI.

% Date of Decision: 27th January, 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.2709/2021

Keeping in view the averments in the application, early hearing is allowed and with consent of parties, the matter is taken up for hearing today.

Accordingly, the application stands disposed of.

W.P. (C) 8341/2019

1. The petition has been heard by way of video conferencing.

2. Learned counsel for the petitioner states that the petitioner in this petition 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.

3. Learned counsel for the petitioner, on enquiry, states that the requisite No Objection Certificate (NOC) had been given.

4. 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.

5. 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, are 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.

6. 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.

7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

JANUARY 27, 2021
ck

HIGH COURT OF DELHI
सत्यमेव जयते