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

Date of Decision: 12.10.2021

+ **W.P.(C) 11713/2021 & CM 36204/2021**

SMT. M. MEENA Petitioner
Through Ms.Pallavi Awasthi, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through Mr.Rajnesh Kumar Gaiind, Sr.P.C.,
UOI with Mr.Piyush Gaur, GP.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

The petition has been heard by way of video conferencing.

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 petitioner in ***Brijlal Kumar v. Union of India and others*** connected petitions 2020 SCC OnLine Del 1477 and the petitioner 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 petitioner *in Govind Kumar Srivastava* (supra) and Brijlal Kumar (supra) and other connected petitions supra, to grant her Prorata 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, 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.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

OCTOBER 12, 2021
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