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

% ***Date of decision: September 13, 2022***

+ **W.P.(C) 1999/2022 & CM APPL. 40358/2022**

AJAY KUMAR GOEL Petitioner

Through: **Mr. Nawneet K. Mishra, Advocate.**

versus

UNION OF INDIA AND ORS. Respondents

Through: **Ms. Manisha Agrawal Narain, CGSC
with Mr. Sandeep Singh Somaria, Ms.
Rakshita Goyal, Advocates with JWO
V.K. Dixit, Air Force.**

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. The petitioner has filed the present petition seeking a writ of mandamus for directing the respondents to grant pro-rata pension in favour of the petitioner from the date of his discharge with all consequential benefits along with interest @10% on the arrears, in line with the squarely covered judgement of this Hon'ble Court titled as ***Govind Kr. Srivastava Vs UOI*** and ***Brijlal Kumar Vs. UOI*** and quashing and setting aside the impugned speaking order dated 25.03.2021 and communication dated 24.06.2021 passed by the respondent.

W.P.(C) 1999/2022

Page 1 of 3



2. According to petitioner, after enrolling in Indian Air Force on 03.10.1980, he had appeared in the interview and selection to the post of Executive Engineer at PSU, Punjab Wireless Systems Ltd. (PUNWIRE) at Mohali, Chandigarh after obtaining “No Objection Certificate” dated 17.06.1991 from respondent. The petitioner was then offered to join the above-said post in PUNWIRE in terms of the appointment letter dated 14.05.1991 and stood discharged from the services of IAF on 21.06.1991 after rendering regular service of 10 years.

3. Learned counsel for the petitioner submits that by virtue of Notification no. 28/30/2004-P & PW (B) dated 26.05.2005 and in terms with Rule 37 of Central Civil Services (Pension) Rules, 1972, all employees of Central Government are entitled to grant of pro-rata pension and that in view of judgment dated 09.01.2019 rendered in W.P.(C) No. 10026/2019, titled as ***Govind Kumar Srivastava Vs. Union of India & Ors.***, which has been upheld by the Hon’ble Supreme Court, respondents be directed to grant pro-rata pension with arrears to the petitioner for his past services in Air Force.

4. Notice issued.

5. Mr. Nawneet K. Mishra, Advocate has entered appearance on advance notice and submits that the case of petitioner shall be considered and his pro-



rata pension shall be released, if found eligible.

6. Upon hearing, we dispose of the present petition with direction to respondents to consider the case of petitioner and release pro-rata pension, if found eligible, with appropriate interest in terms of judgment dated 09.01.2019 in W.P.(C) No. 10026/2019 and judgment dated 08.02.2021 in W.P (C) 9905/2019 passed by this Court.

7. With directions as aforesaid, the present petition is disposed of. Pending application is disposed of as infructuous.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 13, 2022/So