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

% ***Date of decision: March 22, 2022***

+ **W.P.(C) 4583/2022 & CM APPL. 13746/2022**

SACHIN KUMAR, (EX CPL 903353-S) Petitioner
Through: Ms. Pallavi Awasthi, Advocate

Versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Syeed Abdul Haseeb, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present petition has been preferred seeking a direction to the respondents to grant pro-rata pension to the petitioner from the date of his discharge with all consequential benefits 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.

2. Learned counsel for petitioner has submitted that vide Notification No. 8(3)/86/A/D (Pension/Services) dated 19.02.1987 and further, by circular No.A/49738/AG/PS4(c)/689/A/D(Pens/Sers) dated 21.04.1988 issued by the Government of India/Ministry of Defence, officers with not

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less than 10 years of qualifying service are entitled to receive pro-rata pension worked out under the method specified. Learned counsel further submits that the petitioner was enrolled in Indian Air Force on 12.01.2004 and he stood discharged from services of IAF on 17.06.2014 after serving 10 years, 05 months and 05 days of regular service. Therefore, it is prayed that respondents be directed to issue pro-rata pension to petitioner.

3. Notice issued.

4. Mr. Syeed Abdul Haseeb, Advocate, has entered appearance on advance notice and submits that petitioner is required to furnish a copy of his joining report/ letter from his current organization i.e. Central Armed Police Force (CAPF) and a certificate/ affidavit/ declaration that petitioner has not taken benefit of his past service.

5. In view of aforesaid, we hereby dispose of the present petition with direction to the petitioner to provide a copy of his joining letter/report in his current organization i.e. CAPF as well as a declaration/ certificate issued by CAPF specifically stating that petitioner has not taken the benefit of his past service. Upon receipt of aforesaid documents, respondents are directed 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.

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

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

MARCH 22, 2022

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