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

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Date of decision: March 28, 2022

+ W.P.(C) 5042/2022 & CM APPL. 14996/2022

SAJJAN KUMAR (EX CPL 723947-H) Petitioner

Through: Ms. Pallavi Awasthi, Advocate

Versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Jivesh Tiwari, Senior Panel
Counsel & Mr. Sachin Gupta,
Advocate with Mr. Prajsh Vikram,
Government Pleader

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

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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 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 (IAF) on 23.05.1995 and he stood discharged from services of IAF on 02.08.2007 after serving 12 years, 02 months and 18 days. Therefore, it is prayed that respondents be directed to issue pro-rata pension to the petitioner.

3. Notice issued.

4. Mr. Jivesh Tiwari, learned Senior Panel Counsel has entered appearance on advance notice and submits that the case of the petitioner shall be considered and his pro-rata pension shall be released, if found eligible.

5. In view of aforesaid, we hereby 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.

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 28, 2022

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