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

% ***Date of decision: 02.11.2022***

+ **W.P.(C) 2782/2019**

MADASU SAMPATH KUMAR Petitioner
Through: Ms.Chhavi Yadav, Advocate for
Mr.Ajit Kakkar, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr.Harish Vaidyanathan Shankar,
CGSC with Mr.Srish Kumar Mishra,
Mr.Sagar Mehlawat & Mr.Alexander
Mathai Paikaday, Advs. for UOI.

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 from IAF.
2. According to petitioner, he was enrolled as airmen in the Indian Air Force on 14.11.1995 and undergone required training successfully. Petitioner applied and cleared all the examinations in the selection process for the post of Probationary Officer under the Union Bank of India through proper channel with due permission from respondents. The petitioner was offered to join the above-said post in Union Bank of India in terms of the appointment letter dated 03.03.2007, through which he was directed to join

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the services of the bank by 20.03.2007. However, due to some service exigencies, he could not join on the said date and he submitted an application dated 12.03.2007 seeking extension of joining time and the same was acceded to by the said bank and his date of joining was extended upto 21.04.2007. The petitioner stood discharged from the services of IAF on 27.03.2007 after rendering regular service of 11 years, 04 months and 11 days.

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. 10026/2016, 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 their past services in Air Force.

4. Notice issued.

5. Mr. Harish Vaidyanathan Shankar, learned Central Government Standing Counsel 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. 10026/2016 and judgment dated 08.02.2021 in W.P (C) 9905/2019 passed by this Court.

7. We hereby make it clear that respondents shall send a communication

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to the petitioner for completion of formalities and the same shall be submitted by the petitioner within one week thereafter. On receipt of the documents, final decision shall be taken by the respondents within four weeks thereafter.

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

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 02, 2022/ab

