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

% ***Date of decision: July 08, 2022***

+ **W.P.(C) 6860/2022 & CM APPL. 20871/2022**

**SHAILESH KUMAR JHA** ..... Petitioner  
Through: **Mr. Himanshu Upadhyay and Mr. Nishant, Advocates**

**Versus**

**UNION OF INDIA AND ORS** ..... Respondents  
Through: **Mr. Jatin Singh and Mr. Puneet Yadav, Advocates**

**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 direction to the respondents to consider the case of the petitioner and grant him pro-rata pension from the date of discharge.
2. According to petitioner, he was enrolled in Indian Air Force on 21.04.1992 and undergone required training successfully. While in job, petitioner had applied for post of Financial Analyst in Punjab National Bank after obtaining "No Objection Certificate" dated 01.08.2005 from concerned respondent. The petitioner stood discharged from the services of IAF on



21.10.2005 after rendering regular service of 13 years, 06 months.

3. Learned counsel for the petitioners 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. Jatin Singh, learned 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. 10026/2019 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.



8. Pending application is disposed of as infructuous.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(SAURABH BANERJEE)**  
**JUDGE**

**JULY 08, 2022**  
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