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

% ***Date of decision: August 23, 2022***

+ **W.P.(C) 7101/2022 & CM APPL. 21781/2022**

MDNV RAO, EX CPL 790835-T Petitioner

Through: **Ms. Pallavi Awasthi, Advocate.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Farman Ali, Mr. Krishan Kumar
and Ms. Usha Jamnal, 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 writ 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 @14% in terms of judgment dated 09.01.2019 in W.P.(C) No. 10026/2016 and judgment dated 23.02.2021 in W.P.(C) No. 1925/2021.

2. According to petitioner, he was enrolled in Indian Air Force on 19.03.1997 and underwent required training successfully. Petitioner had appeared in the interview for selection to the post of Foreman (Chargeman-



1) (Radio) Group 'C' (Non-Gazetted) in Naval Dockyard, Vishakhapatnam after obtaining "No Objection Certificate" dated 04.07.2006 from respondents. The petitioner was offered to join the aforesaid post in the abovementioned dockyard in terms of the appointment letter dated 16.03.2007. The petitioner stood discharged from the services of IAF on 19.04.2007 after rendering regular service of 10 years, 01 month and 01 day and reserve service of 02 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 of 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 Indian Air Force.

4. Notice issued.

5. Mr. Farman Ali, learned counsel for the respondents enters appearance and upon accepting notice 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

AUGUST 23, 2022/So