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

% ***Date of decision: 27.10.2022***

+ **W.P.(C) 4334/2019 & CM APPL. 42818/2019**

RAHUL BHARDWAJ Petitioner

Through: **Mr. J.S. Mann, Advocate**

versus

UNION OF INDIA AND ORS. Respondents

Through: **Ms. Talish Ray, Advocate for R-1**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. Vide the present petition, petitioner seeks following relief(s):

“(a) Issue a writ of Certiorari or any other appropriate writ to the Respondents to set aside or Quash the order dated 01.03.2019 (impugned order); and/or;

(b) Allow this writ petition by issuing appropriate order(s), direction(s) in the nature of Writ of MANDAMUS/ ANY OTHER WRIT(S) and thereby direct the respondent to grant pro rata pension to the petitioner along with arrears from the date of his discharge (01.06.2005) from the IAF; and/or.

(c) Pass any other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in favour of the petitioner and against the Respondents;”

2. According to petitioner, he was enrolled in Indian Air Force on 02.01.1995 and underwent required training successfully. Petitioner had appeared in the interview and was selected to the post of Station Controller/

Train Operator in Delhi Metro Rail Corporation after obtaining “No Objection Certificate” dated 05.05.2005 from respondents. The petitioner was offered to join the above-said post in Delhi Metro Rail Corporation. The petitioner stood discharged from the services of IAF on 02.06.1995 after rendering regular service of 10 years and 150 days.

2. Learned counsel for the petitioner submits that by virtue of Office Memorandum No. 28/30/2004-P & PW (B) dated 26.07.2005 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.

3. Notice issued.

4. Ms. Talish Ray, learned counsel has entered appearance on behalf of respondent No.1 and submits that the case of petitioner shall be considered and his pro-rata pension shall be released, if found eligible.

5. 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.

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

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

OCTOBER 27, 2022
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