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

% ***Date of decision: 02.09.2022***

+ **W.P.(C) 8684/2022**

**SHASHI BHUSHAN PATHAK,
(EX CPL 743002-L)**

..... Petitioner

Through: Ms. Pallavi Awasthi and Mr. Akshay
Ravi, Advocates

versus

UNION OF INDIA & ORS.

.... Respondents

Through: JWO VK Dixit, Air Force

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 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 08.02.2021 in W.P.(C) No. 9905/2019.

2. According to petitioner, he was enrolled in Indian Air Force on 23.03.1998 and underwent required training successfully. Petitioner had



appeared in the interview and selection to the post of Probationary Officer in Andhra Bank after obtaining “No Objection Certificate” dated 18.12.2008 from respondents. The petitioner was offered to join the above-said post in Andhra Bank in terms of the appointment letter dated 22.12.2008. The petitioner stood discharged from the services of IAF on 23.01.2009 after rendering regular service of 10 years, 10 months and 01 day.

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. 10026/2019, 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 their past services in Air Force.

4. Notice issued.

5. Mr. V.K. Dixit, JWO has entered appearance on behalf of respondent-Air Force 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.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 2, 2022

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