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

Date of decision: August 08, 2022

+ W.P.(C) 11680/2022 & CM APPL. 34748/2022

SANTOSH KUMAR SHARMA Petitioner

Through: Ms. Pallavi Awasthi, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Vivekanand Mishra, SPC with
Mr. Tarveen Singh Nanda, Advocate

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 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 03.06.1999 and underwent required training successfully. Petitioner had appeared in the interview and was selected to the post of Probationary



Officer in Canara Bank after obtaining “No Objection Certificate” dated 19.10.2010 from respondent. The petitioner was then offered to join the above-said post in Canara Bank in terms of the appointment letter dated 23.11.2010. The petitioner stood discharged from the services of IAF on 13.12.2010 after rendering regular service of 11 years, 06 months and 10 days.

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 their past services in Air Force.

4. Notice issued.

5. Mr. Vivekanand Mishra, learned Senior Panel 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 if found eligible, release pro-rata pension 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 8, 2022/rr

