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

Date of decision: August 17, 2022

+ W.P.(C) 11868/2022 & CM APPL. 35439/2022

AMBARISH KUMAR SINGH Petitioner

Through: Ms. Pallavi Awasthi, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Alok Singh, SPC with Ms. Seema Singh, GP and Mr. Gaurav Bhardwaj, 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 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 passed by this Court.

2. According to petitioner, he was enrolled in Indian Air Force on 04.11.1986 and underwent required training successfully. Petitioner had



appeared in the interview and selection for Group 'A' post offered by the Banking Service Recruitment Board Southern Region Bangalore- 560052 after obtaining "No Objection Certificate" dated 12.12.1997 from respondent. The petitioner was therefore offered to join the post of Probationary Official Language Officer in Corporation Bank in terms of the appointment letter dated 24.11.1997. The petitioner stood discharged from the services of IAF on 31.12.1997 after rendering regular service of 11 years, 01 month and 26 days.

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 his past services in Indian Air Force.

4. Mr. Alok Singh, 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.

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. 10026/2019 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

AUGUST 17, 2022/rr