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

% *Date of decision: 12.09.2022*

+ W.P.(C) 13203/2022

EX CPL RAM KUNWAR Petitioner
Through: Mr.Rakesh Kumar Yadav, Adv.

versus

UNION OF INDIA & ANR. Respondents
Through: Mr.Ranvir Singh, CGSPC with
Mr.Vinod (G.P.)

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

CM APPL.39946/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

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3. 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.

4. According to petitioner, he was enrolled in Indian Air Force on

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20.08.1973 and served as combatant member in the IAF. Petitioner had appeared in the interview and selection to the post of an Engineer in Group A in Coal India Limited, A Government of India Enterprise. The petitioner was offered to join the above-said post in Coal India Limited in terms of the appointment letter dated 03.08.1983. The petitioner stood discharged from the services of IAF on 23.08.1983 with two years reserve liability after rendering regular service of 10 years and 11 days.

5. 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.

6. Notice issued.

7. Mr.Ranvir Singh, learned Central Government 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.

8. 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.



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

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 12, 2022
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