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

***Date of decision: September 13, 2022***

+ W.P.(C) 13294/2022 & CM APPL. 40326/2022  
JYOTHISH PRABHAKARAN, EX SGT- 751538 F..... Petitioner

Through: Ms. Pallavi Awasthi, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Raghvendra Shukla, SPC with  
Mr. Anil Devlal Govt. Pleader for  
UOI

**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 27.12.1994 and underwent required training successfully. Petitioner had



appeared in the interview and selection to the post of Graduate Engineer, JTO in BSNL after obtaining “No Objection Certificate” dated 10.12.2008 from respondent. The petitioner was offered to join the above-said post in Bharat Sanchar Nigam Limited (BSNL), in terms of the appointment letter dated 08.04.2009. The petitioner stood discharged from the services of IAF on 24.04.2009 after rendering regular service of 14 years, 03 months and 29 days.

3. Learned counsel for the petitioner submits that by virtue of Notification No. 8(3)/86/ND (Pension/Services) dated 19.02.1987 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. Notice issued.

5. Mr. Raghvendra Shukla, learned Senior Panel Counsel has entered appearance on advance notice on behalf of the respondents 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. Pending application is disposed of as infructuous.

(SURESH KUMAR KAIT)  
JUDGE

(SAURABH BANERJEE)  
JUDGE

SEPTEMBER 13, 2022/rr