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

% ***Date of decision: September 23, 2022***

+ **W.P.(C) 13791/2022 & CM APPLs. 42154/2022 & 42153/2022**

GEORGE EMMANUEL AND ORS. Petitioners

Through: Ms. Riya Pandey and Mr. Himanshu
Upadhyaya, Advcoates

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Himanshu Pathak, SPC, Mr.
Gurjas Singh Narula, GP, Advocates

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 petitioners have filed the present petition seeking a writ of mandamus for directing the respondents to grant pro-rata pension in their favour from the date of their discharge with all consequential benefits along with interest @14% in terms of judgment dated 09.01.2016 in W.P.(C) No. 10026/2016 titled as ***Govind Kumar Srivastava Vs. Union of India & Ors*** and judgment dated 24.11.2020 in W.P.(C) No.98/2020 titled as ***Brijal Kumar & Ors. Vs. Union of India & Ors.***

2. According to the facts of the present petition, petitioners after



enrolling in Indian Air Force on different dates underwent the required training successfully and stood discharged from the services of IAF on different dates after rendering different periods of regular service. The details whereof, qua each of the petitioners, are enumerated hereunder :

PETITIONER NUMBER AND NAME	DATE OF ENROLMENT IN IAF	DATE OF DISCHARGE FROM IAF	PERIOD OF SERVICE RENDERED
GEORGE EMMANUEL	20.06.1963	31.10.1973	10 years, 134 days
MARK DSOUZA	11.12.1968	31.05.1980	11 years, 173 days
ASOKAN MV	30.06.1962	30.09.1974	12 years, 93 days
SUBHASH CHANDRA BOSE	08.07.1970	25.05.1980	9 years, 323 days
V K JACOB	13.04.1971	28.06.1981	10 years, 77 days
ABRAHAM CHACKO	11.05.1968	16.02.1980	11 years, 282 days
K J BABU	30.03.1964	20.04.1974	10 years, 22 days

3. Learned counsel for the petitioners submits that by virtue of Notification no. 28/30/2004-P & PW (B) dated 26.07.2005 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. 10026/2016, 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 petitioners herein, who are on similar footing, for their past services in the Indian Air Force.

4. Notice issued.

5. Mr. Himanshu Pathak, learned Senior Panel Counsel has entered appearance on advance notice and submits that the case of petitioners shall be considered and their 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 petitioners and release pro-rata pension, if found eligible, with appropriate interest in terms of judgment dated 09.01.2019 in W.P.(C) No. 10026/2016 and judgment dated 24.11.2020 in W.P (C) No. 98/2020 passed by this Court.

7. With directions as aforesaid, the present petition is disposed of. Pending applications are disposed of as infructuous.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 23, 2022/rr