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

% ***Date of decision: 12.10.2022***

+ **W.P.(C) 14445/2022 & CM. APPL. 44065/2022**

SANJAY KUMAR

..... Petitioner

Through: **Mr. Ankur Chhibber and Mr. Nikunj
Arora, Advocates**

versus

UNION OF INDIA AND ORS

.... Respondents

Through: **Ms. Reema Khorana, Sr. Panel
Counsel with Mr. Vikash Kumar, Mr.
Garvil Singh, Advocates and Mr.
Chitvan Singhal, GP**

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 quashing the letter dated 31.08.2022 issued by the respondents rejecting the request of the petitioner for grant of pro rata pension; a writ of mandamus directing the respondents to grant pro-rata pension in favour of the petitioner from the date of his discharge with all consequential benefits i.e. 28.05.1998 in terms of judgment dated 24.11.2020 passed by this Hon'ble Court in W.P. (C) No.98/2020 as well as other judgments passed by this Court as well as the Hon'ble Supreme Court.

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



18.01.1988 and underwent required training successfully. Petitioner had appeared in the interview and was selected to the post of Probationary Officer in Associate Bank of SBI (State Bank of Patiala) after obtaining “No Objection Certificate” dated 03.11.1997 from respondents. The petitioner was offered to join the above-said post in Associate Bank of SBI, State Bank of Patiala in terms of appointment letter dated 17.04.1998. The petitioner stood discharged from the services of IAF on 28.05.1998 after rendering regular service of 10 years, 04 months and 10 days.

3. Learned counsel for the petitioner submits that by virtue of Office Memorandum 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 petitioner for their past services in Air Force.

4. Notice issued.

5. Ms. Reema Khorana, learned Senior Panel Counsel has entered



appearance on behalf of the respondents and has submitted that the case of petitioner shall be considered and his pro-rata pension shall be released, if he is found eligible.

6. Upon hearing, learned counsel for the parties and on perusal of the material placed on record, we find that this Court in W.P.(C) No. 10026/2016, titled as *Govind Kumar Srivastava Vs. Union of India & Ors.*, has granted pro-rata pension and the case of the petitioner herein is similar thereto.

7. In view of the above, 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.10026/2016 and judgment dated 08.02.2021 in W.P (C) 9905/2019 passed by this Court.

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

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

OCTOBER 12, 2022/rk