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

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

+ **W.P.(C) 14460/2022 & CM. APPL. 44120/2022**

SANDEEP KUMAR SHARMA, EX CPL-742410-N Petitioner

Through: Ms. Pallavi Awasthi, Ms. Apurva
Singh and Ms. Krati Sharma,
Advocates

versus

UNION OF INDIA & ORS. Respondenta

Through: Mr. Abhishek Saket, Ms. Sanna
Harta, Advocates and Mr. Vinod
Tiwari, 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 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



14.07.1997 and underwent required training successfully. Petitioner had appeared in the interview and got selected to the post of Life Insurance Corporation of India after obtaining “No Objection Certificate” from respondents but he could not retain the copy of it but the same can be verified/confirmed from the discharge certificate itself where the reason for discharge is mentioned as Civil Post. The petitioner was offered to join the above-said post of Apprentice Development Officer in LIC in terms of the appointment letter dated 19.11.2007. The petitioner stood discharged from the services of IAF on 11.11.2007 after rendering regular service of 10 years, 03 months and 27 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. M. Abhishek Saket, learned counsel has entered appearance on behalf of respondents and submits that the case of petitioner shall be considered and his pro-rata pension shall be released, if he is 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. 10026/2016 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

OCTOBER 12, 2022

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