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

% *Date of decision: November 15, 2022*

+ W.P.(C) 14174/2021

EX CPL S SREEKANTAN NAIR

..... Petitioner

Through: Mr. Baljeet Singh and Ms. Deepika
Sheron, Advocates

Versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. T. P. Singh, SCGC with Mr.
Miruttunjay, LO (Air Force)

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 for grant of pro-rata pension in favour of the petitioner from the date of his discharge with all consequential benefits along with arrears and interest.

2. Learned counsel for the petitioner submits that the petitioner after enrolling in Indian Air Force on 25.02.1977, took pre mature discharge through proper channel on 30.04.1987 to obtain a Private Pilot License (PPL) and a Commercial Pilot License (CPL) and subsequently to join a civil post i.e. Trainee Pilot in Indian Airlines which was a Public Sector

Undertaking (PSU) under Government of India, and applied for a “*No Objection Certificate*” in November, 1985 from respondents. The petitioner stood discharged from the services of IAF on 30.04.1987 after rendering regular service of 10 years 02 months and 06 days, thereafter, he obtained a CPL and joined as a trainee pilot in the Indian Airlines dated 08.03.1988.

3. Learned counsel for the petitioner further submits that by virtue of Office Memorandum No. 28/30/2004-P & PW (B) dated 26.07.2005 and in terms of Rule 37 of Central Civil Services (Pension) Rules, 1972, all employees of Central Government are entitled to grant of pro-rata pension benefits.

4. This Court vide judgment dated 09.01.2019 in W.P.(C) No. 10026/2016, titled as ***Govind Kumar Srivastava Vs. Union of India & Ors.***, has directed the respondents to grant pro-rata pension with arrears to the petitioner therein for his past services which has been upheld by the Apex Court.

5. Notice issued.

6. Mr. T. Singh, learned Central Government Senior Counsel accepts notice 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.

7. Upon hearing the learned counsel for the parties, we hereby direct the respondents to consider the case of petitioner and release pro-rata pension with appropriate interest if he is found eligible, in terms of judgment dated 09.01.2019 in W.P.(C) No. 10026/2016.

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

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 15, 2022/akr

