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

% ***Date of decision: 17.10.2022***

+ **W.P.(C) 14665/2022 & CM. APPL. 44953/2022**

PRAVEEN KUMAR, EX CPL 783419-H Petitioner

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

versus

UNION OF INDIA & ORS. Respondents

Through: JWO VK Dixit, Air Force in person

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 the petitioner, he was enrolled in Indian Air Force on 16.06.2003 and underwent required training successfully. Petitioner had appeared in the interview and was selected to the post of Assistant

Commandant in Central Armed Police Forces after obtaining “No Objection Certificate” dated 16.07.2013 from respondent. The petitioner was offered to join the post of Assistant Commandant (GD) in ITBP in terms of the appointment letter dated 28.08.2014. The petitioner stood discharged from the services of IAF on 23.07.2014 after rendering regular service of 11 years, 01 month and 08 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 his past services in Air Force.

4. Notice issued.

5. JWO V.K. Dixit 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.

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 17, 2022
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