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

% *Date of decision: November 10, 2022*

+ W.P.(C) 15419/2022 & CM.APPL.47940/2022

JAGUAR SINGH CHANDEL(RETD) Petitioner

Through: Mr. Manoj Kumar Gupta alongwith
Mr. Kamil, Advocates

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Vivek Goyal, CGSPC with Mr.
Gokul Sharma, G. P, JWO V. K. Dixit,
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 18.12.1998, appeared for an interview and was selected as an Officer in Public Sector Bank after obtaining “*No Objection Certificate*” on 05.01.2009 from respondents. The petitioner stood discharged from the services of IAF on 09.02.2009 after rendering regular service of 10 years and 02 months, thereafter, he joined the above-said Bank in terms of the appointment letter dated 26.06.2009.
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. Vivek Goyal, learned Central Government Senior Panel 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 10, 2022/akr