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

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Date of decision: November 10, 2022

+ W.P.(C) 15450/2022 & CM APPL.48017/2022

SMT. RUPA JHA

..... Petitioner

Through: Ms. Pallavi Awasthi, Ms. Apurva Singh and Mr. Arjun Kalra, Advocates

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Jatin Singh, Senior Counsel with Ms. Archana Surve, G.P and Mr. V. K. Dixit, JWO (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 to grant of pro-rata pension in favour of husband of 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, judgment dated 08.02.2021 and order dated 12.10.2021 in W.P.(C) No. 11713/2021 and order dated 24.09.2021 in W.P.(C) No. 10441/2021.
2. As per submissions of petitioner, she is the widow of Ex. CPL

Chandan Kumar Jha ((Service No.734392-B), who was enrolled in Indian Air Force on 31.05.1994 and was issued “*No Objection Certificate*” dated 29.05.2007 permitting him to appear for interview and selection to the post of Probationary Assistant Manager in Vijaya Bank from respondents. The petitioner stood discharged from IAF on 24.08.2007 after rendering regular service of 13 years, 03 months. Thereafter, he joined the above-said Bank in terms of the appointment letter dated 07.07.2007.

3. Learned counsel for the petitioner submits that by virtue of Notification no.8(3)/86/A/D dated 19.02.1987 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.

4. This Court vide judgment dated 09.01.2019 in W.P.(C) No. 10026/2019, titled as ***Govind Kumar Srivastava Vs. Union of India & Ors.***, has directed respondents to grant pro-rata pension with arrears to the petitioner therein for his past services, which has been upheld by the Hon’ble Supreme Court.

5. Notice issued.

6. Mr. Jatin Singh, learned Senior Panel Counsel appearing on advance notice submits that the case of petitioner shall be considered for grant of pro-rata pension.

7. Upon hearing, the learned counsel for the parties, we dispose of the present petition with direction to respondents to consider the case of petitioner and release pro-rata pension with appropriate interest if found eligible, in terms of judgment in W.P.(C) No. 10026/2019 titled ***Govind Kumar Srivastava(supra)***; judgment in W.P.(C) No. 11713/2021 titled ***Smt. M. Meena Vs. Union of India & Ors.*** and judgment in W.P.(C) No.

Neutral Citation Number 2022/DHC/004818

10441/2021 titled *Smt. Seema Devi Vs. Union of India & Ors.*

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

