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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 21st April, 2023

+ W.P.(C) 5055/2023

UNNIKRISHNAN KL, EX SGT-740400-R Petitioner
Through: Ms. Pallavi Awasthi & Ms.
Apurva Singh, Advocates.

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Sushil Kumar Pandey, Sr.
Panel Counsel & Mr. Kuldeep
Singh, Advocate for UOI.
Jr. Warrant Officer Anil Kumar
& SGT Mritunjay for Indian
Air Force.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 19749/2023 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. *Vide* the present petition, the petitioner is seeking following relief:

“a.) By issuing a writ in the nature of mandamus by directing the respondent to grant pro-rata pension in favour of the petitioner herein from the date of his discharge with all consequential benefits alongwith an interest @14% in terms of judgment dated 09.01.2019 in WP(C) No.10026/2016 and judgment dated 08.02.2021 in WPC No.9905/2019 passed by

this Hbn'ble Court."

4. According to petitioner, he was enrolled in Indian Air Force on 28.07.1992 and undergone required training successfully. The petitioner was issued "No Objection Certificate" dated 09.10.2006 by the respondents to join the post of Apprentice Development Officer in Life Insurance Corporation of India. The petitioner was offered to join the above-said post as Apprentice Development Officer in Life Insurance Corporation of India in terms of the Appointment Letter dated 27.10.2006. The petitioner stood discharged from the services of IAF on 22.03.2007 after rendering regular service of 14 years, 07 months and 22 days.

5. Learned counsel for the petitioners 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 the Indian Air Force.

6. Notice issued.

7. Mr. Sushil Kumar Pandey, Senior Panel Counsel, has entered appearance on advance notice and submits that the case of petitioner shall be considered and his pro-rata pension shall be released, if found eligible.

8. 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.

9. With directions as aforesaid, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 21, 2023
S.Sharma

