



\$~68

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

+ **W.P.(C) 13119/2024**

CPL KUVENDRA PAL SINGH RETDPetitioner

Through: **Mr. Nawneet Krishna Mishra and Mr.
Raj Kumar, Advs.**

versus

UNION OF INDIA AND ORSRespondents

Through: **Dr. Rama Swamy, CGSC with Mr.
Kapil Dev Yadav, Adv. for UOI.**

**CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR**

ORDER
19.09.2024

%

CM APPL. 54796/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 13119/2024

3. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who had served in the Indian Air Force for 10 years 3 months and 25 days before joining on a civil post as a Lecturer Electronics in M.G. Polytechnic, Hathras, Uttar Pradesh, has approached this Court seeking a direction to grant him pro-rata pension w.e.f 21.04.1994, the date when he was released from the Indian Air Force in order to join the aforesaid civil post.



4. Learned counsel for the petitioner submits that the claim for pro-rata pension in similar circumstances has already been allowed by this Court in a number of cases including ***Govind Kumar Srivastava vs. Union of India & Ors.*** (W.P.(C) 10026/2016) decided on 09.01.2019. He submits even though after the petitioner had, on 14.01.2024, submitted a representation to the respondents seeking grant of pro-rata pension, he was vide letter dated 06.02.2024 asked to furnish certain documents. Even though, the requisite documents were promptly submitted by the petitioner, no decision on the petitioner's claim for pro-rata pension has been taken till date.

5. Issue notice. Learned counsel for the respondents accept notice and submits that the petitioner's claim for grant of pro-rata pension is under active consideration of the respondents and therefore, contends that the writ petition is pre mature at this stage.

6. Having considered the submissions of learned counsel for the parties and perused the respondents letter dated 06.02.2024, we are of the view that since it is the respondents claim that the petitioner's representation is still under consideration, it would be appropriate that the respondents are directed to expeditiously decide the petitioner's claim for pro-rata pension by taking into account the decision of this Court in ***Govind Kumar Srivastava*** (supra).

7. We, accordingly, dispose of the writ petition by directing the respondents to take a decision on the petitioner's claim for pro-rata pension within a period of eight weeks by passing a reasoned and speaking order on his representation dated 14.01.2024. Needless to state, while taking a decision on the petitioner's claim, the respondents will be guided by the decision of this Court in ***Govind Kumar Srivastava*** (supra). In case, the



petitioner's claim is accepted by the respondents, arrears in terms thereof will be released in favour of the petitioner within eight weeks from the date of the respondents' decision to grant him pro-rata pension. However, in case his claim is rejected, it will be open for the petitioner to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 19, 2024
SU