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

+ W.P.(C) 14017/2021

SQN LDR ROHIT CHAUHAN

.....Petitioner

Through: Mr. Ajit Kakkar, Ms. Shruti Singh and
Mr. Aditya Pathak, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jitesh Vikram Srivastava, SPC
and Mr. Dipanshu Sharma, Adv

+ W.P.(C) 14046/2021

SQN LDR UMESH SHARMA

.....Petitioner

Through: Mr. Ajit Kakkar, Ms. Shruti Singh and
Mr. Aditya Pathak, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Neeraj, SPC, Mr. Rudra Pailwal,
GP and Mr. Soumyadip Chakraborty,
Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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22.01.2026

1. These petitions have been filed with the following prayers:-

“a. To issue all appropriate writ of certiorari, order or direction for setting aside the impugned order dated 01.10.2021, issued by the respondents.

b. To issue an appropriate writ in the nature of Mandamus directing the respondents to grant pro rata pension to the Petitioner from the date of retirement from IAF w.e.f 13.07.2019.

c. Issue any other/further directions as this Hon'ble Court may deem fit in the facts of the case.”



“(a) To issue an appropriate writ of certiorari, order or direction for setting aside the impugned order dated OS.09.2021, issued by the respondents.

(b) To issue an appropriate writ in the nature of mandamus directing the respondents to grant pro rata pension to the Petitioner from the date of retirement from IAF w.e.f 07.07.2018.

(c) Issue any other further direction as Hon’ble Court may deem fit in the facts of the case.”

2. The parties have filed their written submissions and pleadings are complete in both the petitions.

3. According to Mr. Kakkar, the issue is covered by the judgments of this Court in the case of the ***Lt. Cdr. Mithun Nair (Retd.) v Union of India and Ors.*** in ***W.P. (C) No. 2139/2020*** decided on 25.02.2020 and ***Vikrant Malhan v. Union of India and Ors.*** in ***W.P. (C) No. 9666/2020*** decided on 22.02.2021.

4. Since, a plea has been raised that the subject matter of the petition shall lie before the Armed Forces Tribunal (‘AFT’), we deem it appropriate to transfer these writ petitions to the AFT. The record shall be transmitted forthwith. The petitions on transfer, shall be listed before the concerned Court after taking the orders of the Hon’ble Chairman on 02.03.2026.

5. The petitions are disposed of, for statistical purpose

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 22, 2026/rk