



\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15428/2023**
CPL SRINIVAS KUMAR GURRAM (RETD.)

.....Petitioner

Through: Mr. Manoj Kumar Gupta, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondent

Through: Mr. Rajesh Kumar, SPC, Ms. Pragya
Yadav, Mr. Yash Narain, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **13.01.2026**

1. This petition has been filed with the following prayers:

“9. I Issue a writ of Mandamus or any appropriate order directing the Respondents to release the pro-rata Pension to the Petitioner wef date of discharge from Air Force, and grant associated benefits including an interest of 10% on the arrears as due.

9.2 Set-aside the impugned Order dated 13/09/2023 which is illogical and contrary to the squarely covered judgement in GK Srivastava (Supra) as well as Brijlal Kumar & Ors (Supra) and subsequent judgement passed by this Hon'ble Court, following above two ibid Judgments.

9.3 Award the cost of the proceedings in favour of the Petitioner for depriving fundamental right of Pension which is inter-alia given to commissioned officer only and catena of judgments were passed by declaring the policy of MoD dated 19 Feb 1987 ultravires and discriminatory.”

2. The learned counsel for the respondent states that the subject matter



of the writ petition shall lie before the Armed Forces Tribunal (AFT). This submission is acknowledged by the learned counsel for the petitioner.

3. Appropriate be, the Registry shall transfer the present petition to the AFT within four weeks of the receipt of the order. The Registrar AFT shall list the same before the appropriate bench after taking orders of the Hon'ble the Chairman, AFT.

4. This petition is disposed of for statistical purpose.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 13, 2026

rt