

(2020) 12 DEL CK 0089

In the Delhi High Court

Case No : Civil Writ Petition No. 12139 Of 2019, 576, 577, 591, 2232, 2233, 2236, 2238, 2345, 2832 Of 2020

Anadi Charan Roul & Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 08-12-2020

Acts Referred:

Citation : (2020) 12 DEL CK 0089

Hon'ble Judges : Rajiv Sahai Endlaw, J; Asha Menon, J

Bench : Division Bench

Advocate : Pallavi Awasthi, Asheesh Jain, Amrit Singh, Jivesh Kumar Tiwari, Jitesh Vikram Srivastava, Bhagvan Swarup Shukla, Shravan Kumar

Final Decision : Disposed Of

Judgement

Rajiv Sahai Endlaw, J

CM No. 7808/2020 (for exemption) in W.P.(C) 2232/2020

CM No. 7809/2020 (for exemption) in W.P.(C) 2233/2020

CM No. 7816/2020 (for exemption) in W.P.(C) 2236/2020

CM No. 7818/2020 (for exemption) in W.P.(C) 2238/2020

CM No. 8240/2020 (for exemption) in W.P.(C) 2345/2020

CM No. 9856/2020 (for exemption) in W.P.(C) 2832/2020

1. Allowed, subject to just exceptions and as per extant rules.

2. The applications are disposed of.

W.P.(C) 12139/2019; W.P.(C) 2232/2020; W.P.(C) 2233/2020; W.P.(C) 2236/2020; W.P.(C) 2238/2020; W.P.(C) 2345/2020; W.P.(C)

2832/2020; W.P.(C) 576/2020; W.P.(C) 577/2020 & W.P.(C) 591/2020

3. The petitioner in each of these petitions claims to be similarly placed as the petitioners in Govind Kumar Shrivastava Vs. Union of India

MANU/DE/0048/2019 (DB) [Special Leave Petition (SLP) (Civil) No. 8813/2019 whereagainst was dismissed on 26th April, 2019], and as the

petitioners in Brijlal Kumar Vs. Union of India 2020 SCC OnLine Del 1477 and other connected petitions and seeks the relief of pro-rata pension.

4. In W.P.(C) 2236/2020, the counsel for the petitioner states that the petitioner has been wrongly described, as ex-corporal while the correct rank is

ex-sergeant. The correction is noted and the name of the petitioner in the title herein above be read accordingly.

5. The counsels for the respondents in all the petitions do not appear.

6. However, no purpose will be served in keeping these petitions pending since this Court has recently, in Brijlal Kumar (supra) and the group of petitions, dealt with the said aspect.

7. We have enquired from the counsel for the petitioners appearing in all these petitions whether the petitions are accompanied with the (NOC) issued

by the respondents Indian Air Force for joining another service and whether the petitioners in each of these petitions is fully covered by the dicta of

this Court in Govind Kumar Srivastava (supra), Mohammad Israr Khan Vs. Union of India [W.P.(C) 5642/2019], Rakesh Kumar Vs. Union of India

MANU/DE/0121/2020 and Brijlal Kumar (supra).

8. Though the counsel for the petitioners states that the No Objection Certificate (NOC) of the respondents Indian Air Force for the discharge from

service has been filed in all these petitions but since the counsel for all the respondents are not available, it is deemed expedient to pass a conditional order.

9. All these petitions are thus disposed of, in terms of the orders in Govind Kumar Srivastava supra and Brijlal Kumar (supra), that is by directing the

respondents Indian Air Force to, within 12 weeks either release to the petitioners in each of these petitions, the arrears of pro-rata pension from the

month of discharge till the month of payment and to continue to pay future pro-rata pension to the petitioners or to within the said period of 12 weeks,

if find the petitioner in any of these petitions to be not covered by the judgements in Govind Kumar Srivastava supra, Mohammad Israr Khan supra,

Rakesh Kumar supra and Brijlal Kumar supra on the grounds other than not

being parties to the said petitions, to communicate the said reasons in writing to the petitioners and in which event the concerned petitioner shall be entitled to take further remedies thereagainst.

10. If the arrears of pro rata pension are not paid within 12 weeks, the respondents Indian Air Force shall be liable to pay interest thereon @ 7% per annum from the expiry of 12 weeks till the date of payment.

11. The petitions are disposed of.