

(2023) 04 DEL CK 0115

In the Delhi High Court

Case No : Civil Writ Petition No. 4942 Of 2023, Civil Miscellaneous Application
No. 19149 Of 2023

CPL Vinod Singh Rawat (Retd)

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 19-04-2023

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 37

Citation : (2023) 04 DEL CK 0115

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Tatsat Shukla, Raj Kumar, Vivek Goyal, Gokul Sharma, Aneeta Goyal

Final Decision : Disposed Of

Judgement

1. The petitioner has filed the present petition seeking a writ of mandamus for directing the respondents to grant pro-rata pension in favour of the petitioner from 13.03.2013 with all consequential benefits along with interest @10% on the arrears, in terms of judgment dated 09.01.2019 in W.P.(C) No. 10026/2016.

2. According to petitioner, he was enrolled in Indian Air Force on 16.12.2002 and undergone required training successfully. Petitioner had appeared in the interview and selection to the post of F&A Officer in Oil and Natural Gas Corporation Limited (ONGC) after obtaining "No Objection Certificate" dated 22.01.2013 from respondents. The petitioner was offered to join the above-said post in Oil and Natural Gas Corporation Limited in terms of the appointment letter dated 25.06.2013. The petitioner stood discharged from the services of IAF on 21.03.2013 after rendering regular service of 10 years, 03 months and 06 days.

3. Learned counsel for the petitioner 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 their past services in Air Force.

4. Notice issued.

5. Mr. Vivek Goyal, Central Government 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.

6. 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.

7. With directions as aforesaid, the present petition is disposed of. Pending application is disposed of as infructuous.