

(2023) 03 DEL CK 0218

In the Delhi High Court

Case No : Civil Writ Petition No. 4059 Of 2023, Civil Miscellaneous Application
No. 15856 Of 2023

Ex Corporal Ranber Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 29-03-2023

Acts Referred:

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

Citation : (2023) 03 DEL CK 0218

Hon'ble Judges : Suresh Kumar Kait, J; Poonam A. Bamba, J

Bench : Division Bench

Advocate : Bhauvender Singh Gandhar, Jasmeen Kaur, Jasmeet Kaur, Apoorva Singh, Anju Gupta, Rohan Gupta

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 the date of his discharge with all consequential benefits along with interest @10% 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 11.05.1989 and underwent required training successfully. Petitioner had appeared in the interview and selection to the post of Revenue Officer in State Civil Service after obtaining "No Objection Certificate" dated 28.10.1999 from respondent. The petitioner joined the above-said post in State Civil Service on 26.02.2001. The petitioner stood discharged from the services of IAF on 17.09.2000 after rendering regular service of 11 years, 4 months and 6 days.

3. Learned counsel for the petitioners 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. Learned counsel for respondents 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 passed by this Court.

7. Pending application also stands disposed of.