

(2022) 11 DEL CK 0014

In the Delhi High Court

Case No : Civil Writ Petition No. 15087 Of 2022, Civil Miscellaneous Application No. 46611 Of 2022

Harish Kumar Sharma, Ex Cpl 678608-A

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 01-11-2022

Acts Referred:

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

Citation : (2022) 11 DEL CK 0014

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Pallavi Awasthi, Akshay Ravi, Santosh Kr. Pandey, R.M. Tripathi

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 @14% 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) No. 9905/2019.

2. According to petitioner, he was enrolled in Indian Air Force on 22.12.1983 and underwent required training successfully. Petitioner had appeared in the interview and selection to the post of Assistant Engineer (Construction) in Nethpa Jhakri Power Corporation Limited (A Joint Venture of Govt of India & Govt. of HP) after obtaining "No Objection Certificate" dated 04.01.1994 from respondent. After being successful in the abovesaid post of Assistant Engineer (Construction), petitioner was offered to join the above-said post. The petitioner stood discharged from the services of IAF on 11.11.2007 after rendering regular service of 10 years, 01 month and 09 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. Santosh Kr. Pandey, learned counsel has entered appearance on behalf of respondents and has submitted 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.