

(2022) 11 DEL CK 0167

In the Delhi High Court

Case No : Civil Writ Petition No. 16190 Of 2022

Inder Pal Singh, Ex CPL 648397

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 24-11-2022

Acts Referred:

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

Citation : (2022) 11 DEL CK 0167

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

Bench : Division Bench

Advocate : Pallavi Awasthi, Abha Malhotra

Final Decision : Disposed Of

Judgement

CM APPL. 50653/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

W.P.(C) 16190/2022

3. 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.

4. According to petitioner, he was enrolled in Indian Air Force on 28.11.1977 and had undergone required training successfully. In terms of AFO No.1/1983 dated 22.01.1983 issued by the respondents vide which it was mentioned that Airmen irrespective of their terms of engagement are permitted to apply for Group 'A' posts/services under Central/State Govt. and in Central/State Government Undertakings. Accordingly, petitioner sought permission and the same was allowed and he applied/selected as Class I Officer in Garden Reach Shipbuilders

and Engineers Limited i.e. Government of India Undertaking after obtaining "No Objection Certificate" from respondents. The petitioner was offered to join the above-said post in Garden Reach Shipbuilders and Engineering Limited in terms of the appointment letter dated 20.04.1988. The petitioner stood discharged from the services of IAF on 14.06.1988 after rendering regular service of 10 years and 197 days of active service. The petitioner was also kept in reserve service for two years and he stood discharged on 30.06.1990.

5. Learned counsel for the petitioner submits that by virtue of Notification no. 28/30/2004-P & PW (B) dated 26.05.2005 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. 10026/2019, 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.

6. Notice issued.

7. Mrs. Abha Malhotra, learned Senior Central Government 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.

8. 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. 10026/2019 and judgment dated 08.02.2021 in W.P (C) 9905/2019 passed by this Court.

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