

(2021) 01 DEL CK 0232

In the Delhi High Court

Case No : Civil Writ Petition No. 1432, 2360, 2673 Of 2020, 932 Of 2021, Civil Miscellaneous Application No. 2542 Of 2021

Karan Singh Rathore & Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Citation : (2021) 01 DEL CK 0232

Hon'ble Judges : Manmohan, J;Asha Menon, J

Bench : Division Bench

Advocate : Manoj Kumar Gupta, Banvendra Singh Gandhi, Tanveer Ahmed Ansari, Amrita Prakash, Hari Shankar Sharma

Final Decision : Disposed Of

Judgement

Manmohan, J

C.M.No.2586/2021 in W.P.(C) No.1432/2020

C.M.No.2579/2021 in W.P.(C) No.2360/2020

C.M.No.2587/2021 in W.P.(C) No.2673/2020

W.P.(C) No.932/2021 & C.M.No.2542/2021

Keeping in view the averments in the applications, early hearing is allowed and with consent of parties, the matters are taken up for hearing today.

Accordingly, the applications stand disposed of.

W.P.(C) No.1432/2020

W.P.(C) No.2360/2020

W.P.(C) No.2673/2020

W.P.(C) No.932/2021

1. Learned counsel for the petitioners states that the petitioners in this petitions claim to be similarly placed to the petitioners in Brijlal Kumar v.

Union of India and others connected petitions 2020 SCC OnLine Del 1477 and the petitioners in Govind Kumar Srivastava v. Union of India 2019

SCC OnLine Del 6425 (DB) [against which Special Leave Petition (Civil) No. 8813/2019 has been dismissed on 26th April, 2019] and seeks the same

relief as claimed therein i.e. of pro rata pension.

2. Learned counsel for the petitioners, on enquiry, states that the requisite No Objection Certificated (NOC) had been given.

3. Learned counsel for the respondents fairly states that subject to the right to verification and the right of appeal to the Supreme Court against the

judgment in Brijlal Kumar (supra) being saved, the petition be disposed of.

4. Accordingly, the petitions are disposed of directing the respondents Indian Air Force that within twelve weeks herefrom, if they find the petitioners

to be similarly placed as the petitioners in Govind Kumar Srivastava (supra) and Brijlal Kumar (supra) and other connected petitions supra, to grant

him the same relief as granted in those petitions i.e. by payment of arrears of pro rata pension from the date of discharge till the date of payment and

in future to continue to pay pro rata pension to the petitioner. However, if on verification it is found that the petitioners, for any reason, are not entitled

to pro rata pension for reasons other than those stated in the judgments in Govind Kumar Srivastava (supra) and Brijlal Kumar (supra) and other

connected petitions supra being in personam, the respondents, within the said twelve weeks, shall communicate to the petitioners, not so found entitled,

the reasons in writing thereof and in which event, the petitioners shall be entitled to take further remedies there against.

5. If the arrears of pro rata pension are not paid within twelve weeks, the same shall also incur interest thereon @ 7% per annum from the expiry of

twelve weeks till the date of payment.