

(2021) 01 DEL CK 0114

In the Delhi High Court

Case No : Civil Writ Petition No. 2782, 4453 Of 2019, 2878 Of 2020, Civil Miscellaneous Application No. 1663, 1665, 1667 Of 2021

Madasu Sampath Kumar & Ors

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 15-01-2021

Acts Referred:

Citation : (2021) 01 DEL CK 0114

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

Bench : Division Bench

Advocate : Ajit Kakkar, Harsh Vaidyanathan Shankar

Judgement

Manmohan, J

C.M.No.1667/2021 in W.P.(C) No.2782/2019

C.M.No.1663/2021 in W.P.(C) No.4453/2019

C.M.No.1665/2021 in W.P.(C) No.2878/2020

Keeping in view the averments in the applications, the same is allowed and the writ petitions are taken up for hearing today.

W.P.(C) No.2782/2019

W.P.(C) No.4453/2019

W.P.(C) No.2878/2020

1. The petitions have been heard by way of video conferencing.

2. Learned counsel for the petitioners states that all the petitioners in these petitions claim to be similarly placed to the petitioners in Brijlal Kumar v.

Union of India and others connected petitions 2020 SCC OnLine Del 147 7and 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 seek the same relief as claimed therein i.e. of pro rata pension.

3. Learned counsel for the petitioners in these petitions, on enquiry, states that the requisite No Objection Certificates (NOCs) had been taken.

4. Learned counsels 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 petitions be disposed of.

5. 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

them 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 petitioners. However, if on verification it is found that the petitioners or any of them, 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.

6. 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.

7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.