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**(2021) 08 DEL CK 0068**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 8367 Of 2021, Civil Miscellaneous Application  
No. 25911 Of 2021

Nirkara Subudhi & Ors.

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

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**Date of Decision :** 13-08-2021

**Acts Referred:**

**Citation :** (2021) 08 DEL CK 0068

**Hon'ble Judges :** Manmohan, J;Navin Chawla, J

**Bench :** Division Bench

**Advocate :** Pallavi Awasthi, Vikrant N Goyal

**Final Decision :** Disposed Of

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## **Judgement**

Manmohan, J

1. The petition has been heard by way of video conferencing.

2. Learned counsel for the petitioners states that the petitioners in the present petition 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 seek the same

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

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

4. 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.

5. Accordingly, the present petition alongwith pending application is 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, 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. Needless to state that if any documents are asked for by the respondents, the same shall be furnished by the petitioners within a week.

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.