

(2022) 09 DEL CK 0060

In the Delhi High Court

Case No : Civil Writ Petition No. 12436 Of 2022, Civil Miscellaneous Application No. 37383 Of 2022

Prabhat Ranjan, EX SGT 777480-S

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 07-09-2022

Acts Referred:

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

Citation : (2022) 09 DEL CK 0060

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

Bench : Division Bench

Advocate : Pallavi Awasthi, Akshay Ravi, Saroj Bidhawat, Trilok Singh Bisht

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 20.06.2001 and underwent required training successfully. Petitioner had appeared in the interview and selection to the post of Human Resource Executive in ONGC Ltd. after obtaining "No Objection Certificate" dated 26.06.2015 from respondents. The petitioner was offered to join the above-said post in ONGC Ltd. in terms of the appointment letter dated 23.10.2015. The petitioner stood discharged from the services of IAF on 10.12.2015 after rendering regular service of 14 years, 05 months and 20 days.

3. 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.

4. Notice issued.

5. Ms. Saroj Bidhawat, learned counsel for respondents accepts notice and submits 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. 10026/2019 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.