
(2022) 08 DEL CK 0135

In the Delhi High Court

Case No : Civil Writ Petition No. 12242 Of 2022

Ravinder Kumar, Ex Cpl 912579-H

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 24-08-2022

Acts Referred:

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

Citation : (2022) 08 DEL CK 0135

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

Bench : Division Bench

Advocate : Pallavi Awasthi, Ajay Kumar Pandey, Bhagat Singh, Piyush Mishra

Final Decision : Disposed Of

Judgement

CM APPL. 36694/2022 (exemption)

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

W.P.(C) 12242/2022

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 28.06.2005 and had undergone required training successfully. Petitioner had appeared in the interview and selection to the post of Probationary Officer in IDBI Bank after obtaining "No Objection Certificate" dated 14.01.2015 from respondent. The petitioner was offered to join the above-said post in IDBI Bank in terms of the appointment letter dated 26.06.2015. The petitioner stood discharged from the services of IAF on 28.07.2015 after rendering regular service of 10 years and 1

month.

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. Mr. Ajay Kumar Pandey, learned Senior Panel 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 hereby direct the 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.