

(2022) 03 DEL CK 0249

In the Delhi High Court

Case No : Civil Writ Petition No. 5042 Of 2022, Civil Miscellaneous Application
No. 14996 Of 2022

Sajjan Kumar (EX CPL 723947-H) .

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 28-03-2022

Acts Referred:

Citation : (2022) 03 DEL CK 0249

Hon'ble Judges : Suresh Kumar Kait, J;Sudhir Kumar Jain, J

Bench : Division Bench

Advocate : Pallavi Awasthi, Jivesh Tiwari, Sachin Gupta, Prajsh Vikram

Final Decision : Disposed Of

Judgement

1. The present petition has been preferred seeking a direction to the respondents to grant pro-rata pension to the petitioner from the date of his discharge with all consequential benefits 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.

2. Learned counsel for petitioner has submitted that vide Notification No. 8(3)/86/A/D (Pension/Services) dated 19.02.1987 and further, by circular No.A/49738/AG/PS4(c)/689/A/D(Pens/Sers) dated 21.04.1988 issued by the Government of India/Ministry of Defence, officers with not less than 10 years of qualifying service are entitled to receive pro-rata pension worked out under the method specified. Learned counsel further submits that the petitioner was enrolled in Indian Air Force (IAF) on 23.05.1995 and he stood discharged from services of IAF on 02.08.2007 after serving 12 years, 02 months and 18 days. Therefore, it is prayed that respondents be directed to issue pro-rata pension to the petitioner.

3. Notice issued.

4. Mr. Jivesh Tiwari, learned Senior Panel Counsel has entered appearance on advance notice and submits that the case of the petitioner shall be considered

and his pro-rata pension shall be released, if found eligible.

5. In view of aforesaid, we hereby 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.

6. With directions as aforesaid, the present petition is disposed of. Pending application is disposed of as infructuous.