

(2021) 02 DEL CK 0118

In the Delhi High Court

Case No : Civil Writ Petition No. 9905 Of 2019, 1256, 2024 Of 2020, 1531, 1595, 1605 Of 2021, Civil Miscellaneous Application No. 32936 Of 2020, 4502, 4534, 4385, 4532, 4587 Of 2021

Surendra Pal Singh & Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 09-02-2021

Acts Referred:

Citation : (2021) 02 DEL CK 0118

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

Bench : Division Bench

Advocate : Pallavi Awasthi, Vikas Mahajan, Aakash Varma, Manoj Kumar, Ruchir Mishra, Sheshank Bajpai, Kinjal Shrivastava, Varun Kishore

Final Decision : Disposed Of

Judgement

Manmohan, J

22. CM APPL. 4385/2021 (Exemption) in W.P. (C) 1531/2021

28. CM APPL. 4532/2021 (Exemption) in W.P. (C) 1595/2021

30. CM APPL. 4587/2021 (Exemption) in W.P. (C) 1605/2021

Exemption allowed, subject to all just exceptions. Accordingly, the applications stand disposed of.

18. CM APPL. 4502/2021 (Early hearing) in W.P. (C) 9905/2019

20. CM APPL. 4534/2021 (Early hearing) in W.P. (C) 2024/2020

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

Accordingly, the applications stand disposed of.

W.P. (C) 9905/2019

W.P. (C) 2024/2020

W.P. (C) 1531/2021

W.P. (C) 1595/2021

W.P. (C) 1605/2021

W.P. (C) 1256/2020

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

2. Learned counsel for the petitioners state that 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 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 seeks the same relief

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

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

4. Learned counsel for the respondents fairly state 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 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

him 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 petitioner. 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 petitioner(s), not so found

entitled, the reasons in writing thereof and in which event, the petitioner(s) 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 petitioner(s) 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.