

(2022) 05 DEL CK 0354

In the Delhi High Court

Case No : Civil Writ Petition No. 6359 Of 2022, Civil Miscellaneous Application
No. 19214 Of 2022

Umesh Prasad Sah, Ex Cpl 692204-S

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 17-05-2022

Acts Referred:

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

Citation : (2022) 05 DEL CK 0354

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

Bench : Division Bench

Advocate : Pallavi Awasthi, Raj Kumar Yadav, Abhigyan Siddhant, Abhigyan Siddhant

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 on 24.12.1983 and he stood discharged from services of IAF on 31.03.1995 serving 11 years, 02 months and 06 days of regular service. Therefore, it is prayed that respondents be directed to issue pro-rata pension to petitioner.

3. Notice issued.

4. Learned counsel for the petitioners 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. Further submits that in view of judgment dated 09.01.2019 in W.P.(C) No. 10026/2019, which is upheld by the Hon'ble Supreme Court, respondents be directed to grant pro-rata pension with arrears to the petitioners for their past services in Air Force.

5. Upon hearing, we dispose of the present petition with direction to respondents to consider the case of petitioners 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 also stands disposed of.