



2025:DHC:7586-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12383/2022

**RAJBIR SHARMA** .....Petitioner

Through: Ms. Pallavi Awasthi and Ms.  
Vaibhavi Mittal, Advs.

versus

**UNION OF INDIA & ORS.** .....Respondents

Through: Mr. Rishabh Sahu, Sr. PC with  
Mr. Sameer Sharma, Adv. for UOI

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

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**28.08.2025**

**C. HARI SHANKAR, J.**

1. The issue in this case is the entitlement, or otherwise, of the petitioner to *pro rata* pension for the service rendered by him in the Indian Air Force<sup>1</sup> prior to his joining PUNWIRE, an undertaking of the State Government of Punjab.

2. According to the averments in the petition, the petitioner applied for the post of Executive Engineer in PUNWIRE in response to an advertisement issued by PUNWIRE. He received a letter calling him for interview on 3 February 1994. He appeared in the interview on 14 February 1994 and was issued an appointment letter by PUNWIRE on 16 March 1994. He applied for discharge from the IAF

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<sup>1</sup> "IAF", hereinafter



which was approved *vide* Air Headquarters letter dated 23 March 1994.

3. The petitioner seeks *pro rata* pension for the period spent by him in the IAF.

4. Ms. Pallavi Awasthi, learned Counsel for the petitioner has placed reliance on an order dated 7 August 2024 passed by a Coordinate Bench of this Court in *Jafor Ali Mollah, Ex Cpl. 699193 v UOI*<sup>2</sup>. We reproduce the order in its entirety:

**“W.P.(C) 5401/2022**

4. The petitioner, who is a retired Corporal of the Indian Air Force (IAF) has approached this Court by way of the present petition under Article 226 of the Constitution of India seeking the following reliefs:

“(i) To set aside the impugned order dated 31.05.2021 passed by this the respondents.

(ii) To issue a writ in the nature of mandamus by directing the respondent to grant pro-rata pension in favour of the petitioner herein from the date of his discharge with all consequential benefits alongwith an interest @14% in terms of judgment dated 09.01.2019 in WP(C) No.10026/2016 and judgment dated 08.02.2021 in WPC No.9905/2019 passed by this Hon'ble Court.

(iii) And/ or pass any other order/direction which may be deemed fit and proper in the interest of justice to the petitioner.”

5. As per the record, the petitioner, who was enrolled in the IAF on December 03, 1986, as an Airman at Group-C post had, while working in the IAF, applied for appointment as a Junior Technician-I with the Pawan Hans Helicopters Limited (PHHL), a Govt. of India Undertaking. Upon being selected for the said post, he was issued discharge by the IAF on 15.11.1997 and consequently, joined the PHHL on 17.11.1997. The petitioner is

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<sup>2</sup> WP(C) 5401/2022



now claiming pro-rata pension from the date of discharge from the IAF.

6. Learned counsel for the petitioner submits that the issue of grant of pro-rata pension for the service rendered by the petitioner in the IAF stands settled by this Court in **Govind Kumar Srivastava v UOI**<sup>3</sup> decided on January 9, 2019. The said decision, he submits, was followed in **Brijlal Kumar & Others v UOI & Ors.**<sup>4</sup> decided on November 24, 2020. He, therefore, prays that, in view of these decisions, the benefit of pro-rata pension be granted to the petitioner.

7. On the other hand, Mr. Naginder Benipal, learned SPC appearing for the respondents while not disputing that the issue of entitlement to pro-rata pension stands covered in favour of the petitioner, submits that it is still to be verified as to whether the petitioner had taken employment in the PHHL after seeking 'No Objection Certificate' (NOC) from the IAF. He further submits that in terms of the policy dated November 4, 2022, the petitioner can be paid pro-rata pension only prospectively and not from the date of his discharge.

8. On this, learned counsel appearing for the petitioner submits that the petitioner has, along with his application seeking to bring additional documents on record, filed a copy of the NOC issued by the IAF permitting him to appear in the interview for the post of Junior Technician-I. He, therefore, contends that it is evident that the petitioner had joined PHHL only after 'NOC' from the IAF.

9. Having considered the submissions of the learned counsel for the parties, we are unable to agree with the respondents that pro-rata pension would be payable only from today and not from the date of the petitioner's discharge from the IAF. We find that the ground taken by the respondents in their counter-affidavit is that the question as to whether the petitioner had taken employment with PHHL after taking NOC from the IAF.

10. In these circumstances, the respondents cannot be permitted to now urge that pro-rata pension will not be payable to the petitioner from the date of his discharge. Further, we are of the view that the petitioner's claim for grant of pro-rata pension from the date of his discharge has to be examined as per provisions applicable on that date and not today's date.

11. The writ petition is accordingly allowed by directing the

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<sup>3</sup> W.P.(C) 10026/2016

<sup>4</sup> WP(C) 98/2020



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respondent no. 1 to verify whether the NOC annexed by the petitioner with his application, had been issued by the IAF. The said verification shall be carried out within four weeks from today and if pro-rata pension is found payable to the petitioner, the same shall be granted to him from the date of discharge and shall continue to be paid in future as well. Arrears thereof shall be paid within a period of 12 weeks i.e., after the verification. If the arrears are not paid within 12 weeks, same shall be paid with interest @ 7% per annum.

12. Accordingly, the petition is disposed of in the aforesaid terms.”

5. Mr. Rishabh Sahu, learned Senior Panel Counsel for the respondents is agreeable to a disposal of this writ petition in the terms set out in the aforesaid order passed by the Division Bench of this Court in *Jafor Ali Mollah*.

6. Accordingly, subject to the verification of the NOC dated 23 March 1994 which has been filed by the petitioner with CM APPL. 18315/2025, within a period of four weeks from today, if the NOC is found to be genuine, the petitioner would be entitled to *pro rata* pension from the date of his discharge and would be continued to be paid in future as well. Arrears would be paid within a period of 12 weeks after verification, failing which they would carry interest at the rate of 7% per annum.

7. The writ petition is accordingly disposed of.

**C.HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**AUGUST 28, 2025/aky**