

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

30.

MA 2853/2024 in OA 1387/2024

WO Ram Sarup Bhardwaj (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Jitender Kumar Deo, Advocate
For Respondents : Mr. Vaibhav Shabarwal, Advocate
Mr. Anshuman Kumar, DAL

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HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
04.09.2024

On behalf of the respondents, it is submitted that they intend to file a review against the order dated 26.04.2024 in OA 1387/2024 and it is further submitted in reply to a specific court query that the review is sought to be filed in relation to the grant of prayers vide order dated 26.04.2024 from the date when the applicant held his last rank before retirement i.e. WO and it is submitted that the review that they contemplate to file against the order dated 26.04.2024 in OA 1387/2024 would be to the extent of seeking confinement of the grant of arrears for a period prior to the institution of the OA 1387/2024.

2. In view of the factum that OA 1387/2024 was instituted on 03.04.2023, and in view of the orders of the Hon'ble High Court of Delhi in Writ Petition (C) 6815/2024 which is fixed

now for consideration on the date 17.12.2024, wherein it has been observed to the effect:-

“2. The petitioners’ challenge to the impugned order is premised on two grounds. The first being that the directions to the petitioners to grant pension of the rank of Havaldar to the respondent, even though he had not completed 10 months of service as a Havaldar at the time of his superannuation is erroneous. The second ground being that the Tribunal, has without appreciating the fact that the O.A. was filed in the year 2022 wrongly directed that arrears of revised pension be paid to the respondent w.e.f. 01.01.2001.

3. Insofar as the first plea of the petitioners is concerned, we find that the learned Tribunal has relied on the decision of its Regional Bench at Chennai in O.A. 62/2014 titled JWO Gopalakrishnan v. UOI & Ors. Having perused the said decision, which was unsuccessfully assailed before the Apex Court, we find no merit in this plea of the petitioners. However, we are prima facie inclined to accept the petitioners’ second plea that arrears of revised pension could not have been directed to be paid to the respondent w.e.f. 01.01.2001 and the same should have been restricted to a period of 3 years to the date of filing of the O.A.

4. Accordingly, issue notice confined to the question of the date from which the respondent would be entitled to receive arrears of revised pension. Learned counsel for the respondent accepts notice. Counter affidavit, if any, be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

5. Till the next date, the operation of the impugned order, insofar as it directs payment of arrears of revised pension to the respondent w.e.f. 01.01.2001 will remain stayed. This would, however, not come in the way of the respondent’s entitlement to receive pension of a Havaldar with prospective effect

6. List on 17.12.2024,”

to the extent that the arrears of pension as revised for the last rank pension of the applicant for a period of three years prior to the institution of the OA 1387/2024 instituted on 03.04.2024, in terms of the directions dated 26.04.2023 in OA 1387/2024 be complied with by the respondents on the next date of hearing.

3. The matter be re-notified on **09.10.2024**.

Copy of this order be given '*DASTT*', as prayed.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

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