

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

7.

OA 2904/2024 with MA 3269/2024

Ex Sub Bajiru Ram Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Devendra Kumar, Advocate
For Respondents : Ms. Sunanda Shukla, Advocate
Capt. Akanksha Singhal, OIC, Legal Cell

CORAM

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

ORDER
09.08.2024

The applicant vide the present OA makes the following prayers:-

- (a) *Direct the respondents to refix the pension of the applicant in the rank of SUB w.e.f. his date of discharge i.e 01.05.1991.*
- (b) *Direct respondents to pay the due arrears of pension with interest @ 12% p.a from the date of retirement with all the consequential benefits.*
- (c) *Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicant".*

2. MA 3269/2024

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 11964 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of *UoI & Ors Vs Tarsem*

Singh 2009(1)AISLJ 371 and in *Ex Sep Chain Singh Vs Union of India & Ors* (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 3269/2024 is allowed and the delay of 11964days in filing the OA 2904/2024 is thus condoned. The MA is disposed of accordingly.

3. OA 2904/2024

Notice thereof is issued to the respondents and accepted on their behalf. Time is sought on behalf of the respondents to seek instructions.

4. Re-list the matter on **14.08.2024**.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)