

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

3.

MA 240/2024 in OA 480/2021

Ex Sgt Rudra Pratap Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, proxy for
Mr. Virender Singh Kadian, Advocate
For Respondents : Mr. D K Sabat, Advocate

CORAM

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

**ORDER
23.01.2024**

Learned counsel for the applicant submits that he is under instructions to argue from the main counsel.

MA 240/2024 has been filed on behalf of the applicant arrayed as the respondents to the OA 480/2021 as initially filed. The prayer made on behalf of the present applicants seeks the confinement of the grant of the arrears of the disability element of pension to commence to run from a period of three years prior to the institution of the OA.

The records of OA 480/2021 have been put up which indicate as averred vide the counter affidavit dated 30.01.2023 filed on behalf of the respondents that the applicant of the OA was discharged from the Indian Air Force on 30.11.2010 and the records of the OA 480/2021 speak to the effect that the said OA was filed on 27.01.2021.

Submissions made on behalf of either side.

In view of the verdict of the Hon'ble Supreme Court in *UOI vs. Tarsem Singh* 2009(1) AISLJ 371 and the OA having been instituted on 27.01.2021, with the date of discharge of the applicant being 30.11.2010, the arrears of the grant of the disability element of pension have essentially to confined to commence to run from period of three years prior to the institution of the OA 480/2021 and it is directed accordingly and the order dated 18.08.2023 in OA 480/2021 is modified to the extent.

This application is disposed of, accordingly.

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

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