

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

6.

RA 47/2023 in MA 4512/2023 in OA 935/2019

UOI & Ors ..... Applicant  
VERSUS  
Ex Sgt Akhilesh Kumar Gupta ..... Respondents

For Applicant : Mr. K K Tyagi, Advocate  
For Respondents : Mr. Praveen Kumar proxy for  
Mr. BP Vaishnav & Associates, 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 respondents submits that he is under instructions to argue from the main counsel.

RA 47/2023 has been filed on behalf of the applicant arrayed as the respondents to the OA 935/2019 with the prayers made to the effect:-

*“ It is most respectfully submitted to the Hon'ble Tribunal that MA filed by the applicant for the review of order dated 29.03.2023, hence, the Hon'ble Tribunal may kindly be pleased to allow the MA and review the impugned order dated 29.03.2023 upto the extent that the disability element of pension @ 30% rounded off 50%. However, the arrears will be restricted for 3 years from the date of filing of the present OA, as per judgment passed by Hon'ble Supreme Court in Tarsem Singh case instead of from the date of his date of discharge, in view of the aforesaid facts and circumstances and in the interest of justice.”*

The records of OA 935/2019 have been put up which indicate vide the counter affidavit dated 27.11.2019 filed on behalf of the respondents arrayed thereto that the applicant of the OA was discharged from the Indian Air Force on 30.06.2014. The said OA as per record is indicated to have been instituted on 24.05.2019, thus in terms of the verdict of the Hon'ble Supreme Court in *UOI vs. Tarsem Singh* 2009(1) AISLJ 371, the arrears of the grant of the disability element of pension have essentially to commence to run from a period of three years prior to the institution of the OA 935/2019 and it is directed accordingly and the order dated 29.03.2023 in OA 935/2019 is reviewed to this extent.

This application is disposed of, accordingly.

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

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