

**COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

4.

OA 458/2018

Ex Sep Dewinder Singh

.....Applicant

Versus

Union of India and Others

.....Respondents

For Applicant : Mr. Naveen Kumar, proxy counsel for
Mr. A.K. Trivedi, Advocate

For Respondents : Mr. Ashok Chaitanya, Advocate

CORAM:

HON'BLE MR JUSTICE VK SHALI, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

**ORDER
28.02.2018**

The grievance of the applicant is that he joined Indian Army on 06.03.1978 and was invalidated on 28.05.1982 and yet he has not been paid the disability pension. So far as the question of delay is concerned, the contention of the learned counsel is that since the applicant was entitled to the invalidation/disability pension it gave rise to cause of action and his monetary benefit could be restricted to a period of three years.

2. Issue notice to the respondents.

3. Mr. Ashok Chaitnaya accepts notice.

3. Learned counsel for the respondents has taken us to the documents which have been filed by the applicant on record. It is clear that the date of release of applicant is 25.06.1980 and further he was not released/discharged solely on the ground of disability having been suffered by the applicant. He has taken us to the relevant document filed by the applicant in this regard.

4. Be that as it may, without going into the question of delay and the reasons for which he was discharged, let the respondents put their stand by way of affidavit within eight weeks from today with advance copy to the applicant who may file rejoinder, if any, within four weeks thereafter.

3. List on **11.07.2018**.

(JUSTICE V.K. SHALI)
MEMBER (J)

(LT GEN PHILIP CAMPOSE)
MEMBER (A)

sudha