

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

1.

**OA 697/2019**

**Ex Sgt Durgesh Kumar Sharma : Applicant**

**Versus**

**Union of India &Ors. : Respondents**

For Applicant :Mr.U.S. Maurya, proxy for

Mr. D.K. Sharma, Advocate

For Respondents :Mr.V.S. Mahndiyan, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE V.K. SHALI, MEMBER(J)**

**HON'BLE LT. GEN. SANJIV CHACHRA, MEMBER (A)**

**O R D E R**

**08.05.2019**

1. The applicant has filed the present application only for the claim of interest. Learned proxy Counsel, Mr. Maurya has drawn our attention to the judgement of the Hon'ble Supreme Court in SLP (C) No. 9425/1984 titled, "State of Kerala and Ors vs M. Padmanabhan Nair", decided on 17.12.1984 wherein the issue of payment of interest has been dealt with. In the said judgement, the issue involved was in respect of a civilian employee who had admittedly claimed his arrears of pay like gratuity, leave encashment etc. were paid belatedly.

2. The Writ Petition was filed solely for claiming interest. It was in that context that the Hon'ble Supreme Court has observed that the writ was entertainable by the High Court and the Petitioner in the said case was entitled to payment of interest.

3. Ratio of the said judgement is not applicable to the facts of the present case as the applicant is an Ex-Air Force official and the Tribunal has the power only to entertain the service matters which have been defined under Section 3(o) of the AFT Act. In our prima facie view, the said definition does not include the question of payment of interest alone as a service matter. Therefore, this Tribunal may not have the jurisdiction to entertain the present application.

4. Learned proxy counsel for the Applicant seeks time to study and make submissions.

5. At request, list on **06.08.2019**.

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

**(LT GEN SANJIV CHACHRA)**  
**MEMBER (A)**

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