

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

9.

**OA 1096/2016 with MA 850/2016**

**Maj Bikram Singh (Retd)**

..... **Petitioner**

**Versus**

**Union of India & Ors.**

..... **Respondents**

**For petitioner : Mr Ajit Kakkar, Advocate**

**For respondents : Mr KK Tyagi, Advocate**

**CORAM:**

**HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON**

**HON'BLE LT. GEN. SANJIV LANGER, MEMBER**

**ORDER**

**06.10.2016**

**MA 850/2016**

Heard Mr. Ajit Kakkar, learned counsel for the applicant.

2. Having heard the learned counsel for the parties and upon perusal of the averments made in the application, we are of the considered view that since the claim of pension is based on a continuing cause of action, which arises every month, MA needs to be disposed of with the observation that if the applicant is found to be entitled to the relief as claimed in the OA, arrear may be restricted for a period of three years preceding the date of filing of the OA.

3. The MA accordingly stands disposed of.

**OA 1096/2016**

Heard the learned counsel appearing for the parties.

2. The learned counsel for the respondents shall obtain necessary instructions relating to the service period of the applicant as claimed in the OA and also the contention of the applicant that his claim is covered by an order passed by a Coordinate Bench of this Tribunal on 19.12.2012 in OA 256/2011 (*Maj K.G. Thomal Vs. Union of India & Ors.*).

3. List on **09.11.2016** for admission when an attempt may be made to take the OA for final disposal.

**(B.P. KATAKEY)  
OFFG CHAIRPERSON**

**(SANJIV LANGER)  
MEMBER**