

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

2.

OA 1284/2024

Nk Janak Dev Yadav (Retd) Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate

For Respondents : Ms. Reetesh Agarwal, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

19.04.2024

The applicant vide the present OA makes the following prayers :-

“(a) Issue directions to the Respondents to grant benefit of condonation of 297 days or any other less than one year’s notional service, to the Applicant, so as to earn service pension from the DSC service in the light of squarely covered judgments of Larger Bench of this Hon’ble AFT in Shama Kaur (Supra) & Mohanan T (Supra) and other similar judgments; and /or

(b) Award 10% interest on the arrears with cost against the respondent, for failing to extend benefit of DSC pension despite dismissal of Appeal by the Hon’ble Supreme Court in Mohanan T (Supra) and question of Left open in said Order has been dealt by this Hon’ble AFT in Shama Kaur (Supra) while allowing benefit of shortfall upto one year and same has been followed in catena of similar judgments which are already implemented; and/or

(c) In alternate; give rounding off benefit to consider Applicant service of more than 14 years and 02 montsh as 15 years by giving rounding off benefit in terms of PCDA(P) Circular No. 555 and 208; and/or

(d) Pass any further orders/directions in the attendant genuine circumstances of the case, to meet the ends of justice.”

Notice thereof is issued to the respondents and accepted on their behalf. The pleadings in the matter be completed by either side within a time frame of a total period of three months. The matter be listed before the Principal Registrar for completion of the said pleadings on **03.05.2024**. However, in view of the prayers made by the applicant in relation to which there are orders of Hon'ble High Court of Delhi in WP(C) 2126/2024 and WP(C) 2863/2024, the Registry is directed to re-notify the matter after disposal of the said Writs.

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

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

KT/Yogita