

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

4.

OA 331/2024

Hav (DSC) Durga Prasad Limbu (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kumar Gupta, Advocate
For Respondents : Mr. Sundeep Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
08.02.2024

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

(8) "This Hon'ble Tribunal may be pleased issue directions to the respondents to grant condonation of 310 days or more/LESS notional service (ANY NUMBER OR DEAY) of less than one years, so as to earn 2nd Service Pension for the DSC service in the light of squarely covered judgment of larger Bench of this Hon'ble AFT as referred in Annexure- A4, with 8% interest on the arrears; and/or pass orders/directions in the attendant genuine circumstances of the case, to meet the ends of justice."

Though on behalf of the respondents, the prayer made by the applicant to the extent that the applicant seeks the condonation of shortfall of 310 days delay for the grant of the Second Service Pension to the applicant, *ipso facto* is not opposed in view of it being settled vide a catena of orders of

this Tribunal in relation to which *inter alia* reliance is placed on behalf of the applicant on the order dated 18.12.2023 in OA 3964/2024 in the case of ***Nk/DSC Radha Kanta Jana (Retd.) Vs Union of India & Ors.***, on behalf of the respondents, it is submitted to the effect that the present OA has been filed with much delay after a period of 10 years and that the arrears of the grant of the pension be thus confined to commence to run from a period of three years prior to the institution of the present OA instituted on 02.01.2024 which the learned counsel for the applicant refutes and submits to the effect that in the instant case the arrears of the pension would have to be paid with effect from the date of discharge and seeks to assist by submitting rulings in relation thereto.

Re-list the matter on **16.02.2024**.

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

**(LT GEN C.P. MOHANTY)
MEMBER (A)**