

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

24.

MA 4395/2024 in OA 3130/2024

Ex Nk Vijaya Prakash	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. Sukhbir Singh, Advocate
For Respondents	:	Mr. J S Yadav, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
07.10.2024

MA 4395/2024

This application has been filed for the early hearing of OA 3130/2024. In OA the applicant has sought second pension on account of service rendered by him in the DSC after discharge from the Indian Army. The service rendered in DSC was for a period of 14 years and 09 days and seeking condonation of shortfall in the light of law laid down by the Full Bench of this Tribunal in *Smt Shama Kaur Vs. Union of India and Ors* (OA No.1238 of 2016 decided on 01.10.2019), this application has been filed. When the application came up in admission on 23.08.2024, it was informed to us that challenging identical orders passed by this Tribunal writ petition has been filed before the Hon'ble Delhi High Court being WP (C) 2863/2024 and other cases and as the writ petition were

pending we had issued notice and kept the matter pending. Now today, we are informed and we can take judicial notice of the fact that a Division Bench of Hon'ble Delhi High Court has dismissed such writ petitions on 4th September, 2024 and therefore, the applicant is entitled to the aforesaid relief. Keeping in view the aforesaid, this application is allowed.

2. MA stands disposed of.

3. Let OA 3130/2024 be listed today in the supplementary list.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

Priya
MA 4395/2024