

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

1.

OA 1222/2024 with MA 1504/2024

Nk DSC Dambar Bahadur (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Kritendra Tiwari, proxy for
Mr. U S Maurya, Advocate
For Respondents : Mr. Vaibhav Sabharwal, Advocate with
Maj A.R. Subramaniam, OIC Legal Cell

CORAM

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

ORDER
15.04.2024

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

(A) Direction to the Respondents to grant service pension of Defence Security Corps with effect from 31.10.2019 (from date of retirement) with all consequential benefits with interest @12% per annum till its actual payment as applicant has served 14 years 4 months and 8 days of qualifying service in DSC and only 7 months and 22 days shortfall to complete 15 years of qualifying service is get the service pension of DSC. Applicant's case is squarely covered by the Smt. Shama Kaur Vs. UOI & Ors. [OA No. 1238/2016 order dated 01.10.2019 by Larger Bench of Hon'ble AFT (PB) New Delhi] and many other orders including Nk/DSC Sukhbir Singh (Retd.) Vs. Union of India and Ors. [OA 2546/2021 order dated 15.11.2021 by this Hon'ble Tribunal] (Annexure A-5) on the matter of granting condonation of shortfall of less than one year of service rendered in DSC to complete 15 years of qualifying service to earn second service pension of DSC and/or;

(B) The applicant be granted any other relief which this Hon'ble Tribunal may deem appropriate, just and proper in the interest of justice and in the facts and circumstances of the case.

(C) Award cost of the OA to the applicant.

2. Along with the same is MA 1504/2024 filed on behalf of the applicant seeking condonation of 1647 days is delay in filing the present OA for reasons mentioned therein. In the interest of justice, in view of the judgments of the Hon'ble Supreme Court in the matter of *UOI & Ors Vs Tarsem Singh* 2009(1) AISLJ 371 and in *Ex Sep Chain Singh Vs Union of India & Ors* (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 1504/2024 is allowed and the delay of 1647 days in filing the OA 1222/2024 is thus condoned. The MA is disposed of accordingly.

3. Notice of the OA is issued and accepted on behalf of the respondents and the pleadings be completed by either side within a total time frame of three months.

4. List the matter before the Principal Registrar on **29.04.2024** for completion of pleadings and before the Bench thereafter.

5. However, in as much as the applicant seeks the condonation of the deficiency in shortfall of service in the Defence Security Corps of less than a year, which aspect is pending *sub judice* before the 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 two writs.

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

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

/nmk/kt