

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

28.

OA 3130/2024 with MA 3437/2024

Ex Nk Vijaya Prakash Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Advocate
For Respondents : Mr. J S Yadav, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
23.08.2024

MA 3437/2024

Along with the OA is MA 3437/2024 filed on behalf of the applicant seeking condonation of 133 days 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 3437/2024 is allowed and the delay of 133 days in filing the OA is thus condoned. The MA is disposed of accordingly.

OA 3130/2024

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

“(a) Direct respondents to condone the deficiency/short fall of 11 months and 21 days service to make the applicant eligible for grant of service pension from Defence Security Corps. And/or

(b) Direct respondents to grant service pension from Defence Security Corps including retiral and consequential benefits with effect from the date of discharge and to pay the due arrears with effect from the date of discharge and to pay the due arrears with interest @ 12% per annum till final payment is made. And or.

(c) Any other relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case along with cost against the respondents."

3. Notice of the OA is issued and accepted on behalf of the respondents and the pleadings be completed by either side within a time frame of three months. List the matter before the Principal Registrar on **06.09.2024**.

4. In view thereof the prayer clause (a) which has been made by the applicant herein above, in view of the pendency of the same issue before the Hon'ble High Court of Delhi in WP (C) 2863/2024, the Registry is directed to re-notify the matter after disposal of the said writ by the Hon'ble High Court of Delhi.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)