

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

2.

OA 1003/2024 with MA 1241/2024

Smt Sita Devi Wd/o of
Late Hav (DSC) Prem Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. B.Singh Gandhar, Advocate
For Respondents : Ms. Nehal Jain, Advocate

CORAM

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

ORDER
27.03.2024

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

(A) Direct the respondents to grant 2nd Service Pension of DSC to the husband of the applicant after condoning shortfall/deficiency of 85 days w.e.f. his date of discharge till his death i.e. 31.10.2002 and family pension after the death of her husband w.e.f 25.06.2016.

(B) Direct the respondents to pay the due arrears of 2nd Service Pension with interest @12% p.a. from the date of retirement with all the consequential benefits.

(C) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicant and against the respondents.

2. Along with the same is MA 1241/2024 filed on behalf of the applicant seeking condonation of 7270 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 1241/2024 is allowed and the delay of 7270 days in filing the OA 1003/2024 is thus condoned. The MA is disposed of accordingly.

3. In view thereof notice of the OA is issued and accepted on behalf of the respondents. Pleading be completed by either side within a time frame of three months from the date of this order.

4. List the matter before the Principal Registrar on **05.04.2024** for completion of pleadings and before the Bench after disposal of the Writ Petition (C)-2126/2024 and Writ Petition (C)-2863/2024 pending before the Hon'ble High Court of Delhi, in view of the stay granted on the operation of the order dated 03.01.2023 in OA 3027/2022 of the Principal Bench, AFT, Delhi on a similar issue.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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