

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

14.

RA 26/2023 with MA 2720/2023 in OA 395/2016

UOI & Ors ..... Applicant  
VERSUS  
Ex Sub Mohan Singh ..... Respondents

For Applicant : Ms. Jyotsna Kaushik, Advocate  
For Respondents : None

CORAM

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

**ORDER**  
30.07.2024

On behalf of the respondents, information has been submitted giving permanent and alternate address of Ms.. Paramjit Kaur, widow of Ex Sub Mohan Singh. Vide order dated 14.03.2023 in OA 395/2016, the OA filed by Late Ex Sub Mohan Singh was disposed of and allowed with directions vide para 12 thereof to the effect:-

*“12. In terms of Office Memo No.19.07.1989, the applicant falls in the definition of ex-serviceman for all pensionary benefits. The prayer made by the applicant is thus allowed and the respondents are directed to grant the applicant disability element of pension @50% w.e.f. from the date of his retirement i.e. 30.11.2009. However, in terms of verdict of UoI & Ors Vs Tarsem Singh 2009(1)AISLJ 371 the arrears of disability element of pension qua the applicant would be restricted to only three years prior to the date of filing of the present OA i.e. 15.03.2016. The respondents are thus directed to issue the corrigendum PPO to the*

*applicant granting disability element of pension @50% within three months from the date of the receipt of the order failing which the arrears would carry interest @6% p.a.”*

2. The present RA 26/2023 was filed on behalf of the respondents to the OA 395/2016 as applicants of the said RA on 07.07.2023 seeking a review of the order dated 14.03.2023 in OA 395/2016 submitting vide paragraphs 2, 3, and 4 thereof to the effect:-

*“2. That it is submitted that the original applicant had already expired on 19.02.2021 and the legal heirs had not approached this Hon’ble Tribunal for substitution. As the legal heirs had not approached this Hon’ble Tribunal for substitution, the OA proceedings thus abate, much prior to the date of pronouncement.*

*3. That even otherwise, since the applicant had expired much prior to the date of final order in OA, the directions regarding grant of arrears of disability element of pension etc. would require to be revisited by this Hon’ble Tribunal especially when the non-payment of arrear entails interest @6% p.a. payable by the applicants to present R.A.*

*4. That is thus submitted that there exist sufficient reasons for review of order dated 14.03.2023, passed by this Hon’ble Tribunal in OA 395/2016.”*

to thus, submit that the original applicant had already expired on 09.02.2021 with the order in the OA 395/2016 allowing it in terms as directed therein having been pronounced on 14.03.2023. Vide order dated 08.08.2023 notice of RA 26/2023 was issued thus to the counsel for the applicant of OA 395/2016. On 30.10.2023 though the

counsel for the applicant in terms of order dated 08.08.2023 was indicated to have been served with the Court notice, there was no representation put forth on behalf of the applicant and it was thus considered essential that notice of MA 2720/2023, which is an application by the respondents to OA 395/2016 filed seeking condonation of delay in filing the review application RA 26/2023 was directed with it having been directed that notice is essential to be issued to the next of kin of the applicant who is stated to have since expired and the details of the next of kin of late Ex Sub Mohan Singh were directed to be placed on record by the respondents vide an affidavit.

3. Though, the respondents have not filed any affidavit, they have nevertheless submitted a copy of the communication dated 03.02.2024 from the Record Officer for offg. OIC Records to the Legal Cell, AFT, Delhi Area giving the permanent and alternate address of the next of kin of late Ex Sub Mohan Singh i.e. of Ms. Paramjit Kaur. There being no representation on her behalf and as it is essential that she is represented and heard *qua* the application filed by the UoI i.e. RA 26/2023 and MA 2720/2023, we consider it essential to appoint an Amicus Curiae to assist the next of kin of late Ex Sub Mohan Singh, the original applicant of

OA 395/2016 and thus appoint Ms. Anjali Vohra, learned counsel present before us during the present hearing as Amicus Curiae. Intimation to this effect be sent to the Principal Registrar of the AFT, Principal Bench, New Delhi to provide all assistance to the learned counsel Ms. Anjali Vohra to proceed further in the matter in accordance with law.

4. The matter be re-notified for hearing on 17.09.2024.

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

**(LT GEN P.M. HARIZ)  
MEMBER (A)**

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