

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

17.

MA 2886/2024 in OA 1130/2017

Pilot Officer Arun Govil (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ajai Bhalla, Advocate
For Respondents : Mr. Shyam Narayan, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
31.01.2025

There has been no compliance of directions dated 24.01.2024 in OA 1130/2017 by the respondents.

2. Vide orders dated 01.08.2024 and 26.09.2024 in view of submissions made on behalf of the respondents qua pendency of WP(C) 28442/2023 before the Division Bench of Hon'ble High Court of Punjab & Haryana, the matter had been re-notified.

3. Counsel for the applicant has now submitted on record a copy of the order dated 07.01.2025 of the Hon'ble High Court of Punjab & Haryana in CWP 28442/2023 whereby the said writ petition has been dismissed.

4. It is essential to observe that the order dated 09.02.2024 in OA 495/2019 whereby grant of Invalid Pension has been permitted to the applicant with the arrears being confined to commence to run from a period of three years prior to the institution of the OA is premised on the orders dated

11.03.2022 in OA 368/2021 in *Ex Recruit Chhote Lal* vs *Union of India and others* of the AFT (RB) Lucknow and on the order dated 07.07.2023 in OA 2240/2019 in the case of *Lt A K Thapa (Released)* vs *Union of India and others* of this Tribunal.

5. It is essential to observe vide judgment dated 07.01.2025 in CWP 28442/2023 in *Union of India and others* vs *Ex. AC UT Sandeep Kumar and Anr.*, the cut-off date of 04.01.2019 as observed to be arbitrary for the grant of Invalid Pension in *Ex Recruit Chhote Lal* (supra) has been so also observed by the Hon'ble High Court of Punjab & Haryana.

6. Furthermore, it is essential to observe that vide order dated 26.11.2024 in WP (C) 13577/2024 filed by the petitioner *Lt A K Thapa (Released)* challenging the grant of only Invalid Pension to the said applicant and claiming grant of disability pension, has been dismissed by the Hon'ble High Court of Delhi.

7. It is also essential to observe that vide para 17 of the said order of the Hon'ble High Court of Delhi the submissions that were made by the respondents i.e. Union of India and Ors have been adverted to which relate to the submission that the respondents therein had made also in relation to the invalidation out of service with less than 10 years of service and of such personnel being entitled only to avail Invalid Pension and not disability pension which was stated to have been rightly denied by the Tribunal.

8. The submissions that the respondents thus made vide para 17 as observed by the Hon'ble High Court of Delhi were to the effect that the applicant thereof was entitled to avail Invalid Pension. Nevertheless, the respondents further chose to file WP (C) 17139/2024 to assail the order dated 07.07.2023 in OA 2240/2019 whereby Invalid Pension was granted to the said applicant.

9. Vide order dated 11.12.2024, the Hon'ble High Court of Delhi has dismissed WP (C) 17139/2024 filed by the respondents observing to the effect that in view of the grant of the leave to appeal to the Union of India and others respondents arrayed to OA 2240/2019 in terms of Section 31 (3) of the AFT Act 2007 of the deeming fiction created thereby the leave to appeal granted by this Tribunal to assail the order dated 07.07.2023 was thus pending before the Hon'ble Supreme Court.

10. Undoubtedly, the Hon'ble High Court of Delhi has vide para 13 of the said order observed to the effect:-

“13. We, therefore, dismiss this writ petition. However, we make it clear that we have not expressed any opinion on the merits of the claim made by the petitioners.”

11. The respondents have made no submission in relation to the aspect of the status of the said **deemed leave to appeal** pending before the Hon'ble Supreme Court in terms of Section 31 (3) of the AFT Act 2007 and the judgment dated 11.12.2024 of the

Hon'ble Division Bench of the High Court of Delhi in WP (C)
17139/2014.

12. There has been a callous disregard of the compliance of directions dated 24.01.2024 in OA 1130/2017 by the respondents. In view thereof, the Secretary, DESW is directed to be present in person without default on the next date of hearing.

13. Re-list the matter on **25.04.2025 at 02:15 pm.**

Copy of this order be given ***DASTI.***

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

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