

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

8.

MA 214/2025 in MA 197/2025 & 3177/2025 in OA
1730/2021

Cpl Harpal Singh Yadav (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Prabodh Kumar, Sr CGSC
Mr. Pankaj, Incharge DAV Legal Cell

CORAM

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

**ORDER
07.10.2025**

Pursuant to proceedings dated 09.07.2025, on behalf of the applicant, the applicant Sunita Yadav is present in person and her daughter Harita Singh is also present.

2. The respondents have submitted to the effect that as per the records of Air Force Records Office, the name of the daughter of the deceased applicant is Harmit with the date of birth 23.07.1969. Ms. Harita Singh has produced her original Aadhar Card, copy of which is also placed on the record as per which her date of birth is '23.06.1970'.

3. On behalf of the applicant has been produced an original ration card bearing No. 089620 in which the members of the family are shown to be Harpal Singh aged 63 years and Sunita aged 61 years, the wife, the photocopy of which is submitted on behalf of the applicant of MA 214/2025, in which the list of the

family members gives the name of Harpal Singh and Sunita only. However, there is also another list in which there are names of Harpal Singh aged 55 years, Sunita aged 52 years, Harita aged 30 years, Yogesh aged 22 years, Rahul aged 15 years and Kiran aged 20 years.

4. A submission is made on behalf of the applicant however in as much as the applicant is the widow of deceased CPL Harpal Singh Yadav, she is entitled to the benefits due to her. The said submission is not opposed on behalf of the respondents. Vide order dated 18.10.2024 OA 1730/2021 with MA 1686/2021 was disposed with directions vide paras 8, 9 and 10 thereof to the effect:-

“8. However, in as much as the applicant has sought redressal of his grievances vide the present OA only on 09.08.2021, in terms of the verdict of the Hon’ble Supreme Court in Union of India and Ors. Vs. Tarsem Singh reported in (2008) 8 SCC 648 and in T.S. Das and others (Supra), the arrears of the Special Pension are restricted to commence to run from a period of three years prior to the date of filing of the present OA which was instituted on 09.08.2021. Thus, the respondents are directed to grant Special Pension to the applicant w.e.f. three years prior to the date of the filing of the present OA minus the amount of gratuity, already paid, if any, to the applicant to be adjusted against the amount of arrears.

9. The amount of arrears shall be paid by the respondents within three months from the date of receipt of the copy of this order, failing which, the applicant will

be entitled to interest @6% p.a. from the date of receipt of copy of the order by the respondents.

10. The OA 1730/2021 is thus disposed of accordingly”

5. It has been submitted vide the present application that prior to the pronouncement of the order dated 18.10.2024 in OA 1730/2021 itself the applicant had expired on 01.09.2024 and this fact was not known to the counsel and was conveyed only subsequently. The copy of the death certificate of the original applicant of OA 1730/2021 is placed on record showing the date of demise of Harpal Singh to be 01.09.2024. In the interest of justice the order dated 18.10.2024 in OA 1730/2021 with MA 1686/2021 is thus modified as of date to the extent qua para 8 thereof as under:-

“8. However, in as much as the applicant had sought redressal of his grievances vide the present OA only on 09.08.2021, in terms of the verdict of the Hon'ble Supreme Court in Union of India and Ors. Vs. Tarsem Singh reported in (2008) 8 SCC 648 and in T.S. Das and others (Supra), the arrears of the Special Pension are restricted to commence to run from a period of three years prior to the date of filing of the present OA which was instituted on 09.08.2021. Thus, the respondents are directed to grant Special Pension to the applicant w.e.f. three years prior to the date of the filing of the present OA minus the amount of gratuity, already paid, if any, to the applicant to be adjusted against the amount of arrears till the date of his demise i.e. 01.09.2024.”

6. The MAs stand disposed of, as the applicant Sunita, the widow of late applicant Cpl Harpal Singh Yadav (Retd) is allowed to be substituted in his place.

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

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

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