

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

10.

OA 4022/2024 with MA 4223/2024

Smt Brij Kumari W/o Late Ex LAM
Vijay Kumar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Eti, proxy for
Mr. Ajit Kakkar & Associates, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

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

ORDER
07.10.2024

MA 4223/2024

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 22481 days in filing the present OA. 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 4223/2024 is allowed and the delay of 22481 days in filing the OA 4022/2024 is thus condoned. The MA is disposed of accordingly.

OA 4022/2024

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

(a) The Applicant be granted special pension to which her late husband was duly entitled to in terms of Regulation 95 of Navy Regulations (pension), 1964 or reservist pension, by declaring Regulation 269, Regs Navy Part-III (Statutory) nullity or void to the extent of its arbitrariness/ illegality as well as its unintelligibility with 8% interest;

(b) The Applicant should be granted a special pension to which her late husband was duly entitled to after being released after having served 10 years and not considered for fleet Reserve service.

(c) Any other relief(s) which this Hon'ble Tribunal may deem appropriate, just and proper in the interest of justice, equity and fair play and in the facts and circumstances of the case may also be granted to the Applicant;

3. Notice of the OA is issued to the respondents. The response to the OA be filed by the respondents within a period of three months and the matter be listed before the Joint Registrar on 14.10.2024 for completion of pleadings and before the Bench thereafter on 03.02.2025.

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

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