

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI**

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TA No.350/2009
[W.P.(C) 5103/97 of Delhi High Court]

Ex Gnr Laxman Singh

.....Petitioner

Versus

Union of India & Others

.....Respondents

For petitioner: None

For respondents: Mr.Mohan Kumar, Advocate

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON
HON'BLE LT. GEN. M.L. NAIDU, MEMBER**

**ORDER
02.12.2009**

1. None for petitioner
2. We have heard learned counsel for respondents.
3. Petitioner by this writ petition has prayed that respondents may be directed to consider his case for condoning the deficiency of 61 days service for completing 15 years of service to earn his service pension.

4. Brief facts which are necessary for disposal of present petition are that petitioner was enrolled in the Army on 24.01.1980 and was allotted service number as 14463688L. After that he was posted at various places. However, on account of 'absenting himself and intoxication', petitioner was tried by Summary Court Martial and found guilty of charge and sentenced to be dismissed from service. Consequently, he was dismissed from service on 23.11.1994. Since he was short by 61 days for completing full service period, his case for grant of service pension was not considered. Therefore, petitioner filed present writ petition praying that Government has full power under Regulation 125 for condoning absence in service. Therefore, his case for condoning 61 days delay so as to make 15 years for entitlement of full pension be condoned.

5. Instead of directing the petitioner applying his case for condoning the delay, we deem it just and proper and direct the respondents to consider the case of petitioner for condoning very short period of 61 days and after that authorities shall consider to grant him pension as per rules sympathetically as Government has enough power to consider the same under Army Regulation 113 and he may be considered for full service pension. Therefore, the petition is disposed of with the direction to respondents to consider

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the case of petitioner sympathetically for condoning 61 days delay for grant of full service pension as exceptional case. No costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
December 2, 2009