

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

TA No.352/2009
[W.P.(C) 5235/97 of Delhi High Court]

Ex Sepoy Surinder Singh Yadav

.....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 Petitioner by this writ petition has prayed that the respondents may be directed to grant pro-rotta service pension to petitioner from the date of discharge 11.10.1990 along with the payment of that period of pension.

2 The petitioner was enrolled in the year 1980 in Army service and he was given service no. 4174642. He was attached

to the Kumayun Regiment. Petitioner was tried in a Summary Court Martial and was punished with rigorous imprisonment for three months and was dismissed from service by the order dated 10.10.1990. After that petitioner requested that since he served for more than 10 year, pro-rotta pension may be given to him. Under Regulations 113 though he is not entitled to pension as a matter of right but the Government has discretion to grant pension in exceptional cases. We, therefore, direct that respondents may consider the case of petitioner for grant of pro-rotta pension sympathetically. Petition is accordingly disposed of. No order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
December 2, 2009