

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

O.A. No. 164/2010

Major P.C. Gupta

.....Applicant

Versus

Union of India & Ors.

.....Respondents

For applicant: Lt. Col. Naresh Ghai, Advocate

For respondents: Sh. Ankur Chibber, Advocate with Capt
Alifa Akbar

CORAM:

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

**O R D E R
26.05.2010**

1. Learned counsel for the applicant submitted that this case is squarely covered by the judgment of this Bench given in the case of 'Major S.D. Singh versus Union of India' bearing TA No. 46/2010 decided on 19.02.2010.

2. The applicant commissioned on 20.07.1964 as a 2nd Lieutenant in the Territorial Army which is a part and parcel of

the Army and after promotion to Lieutenant, Captain and Major on passing of compulsory courses/professional exams, he superannuated on 31.12.1986 on completion of 52 years of age. He had put in 18 years and 5 months of service. He was denied pension because he had not put in 20 years of qualifying service.

3. In the identical matter of Major S.D. Singh (supra), we have held that officers who are later entrants, for that the qualifying service for pension is 15 years. Therefore, in view of aforesaid decision of this Bench in case of Major S.D. Singh (supra), this petition is allowed and respondents are directed to work out the pension of the petitioner and shall be paid to the petitioner within 3 months from today with interest at the rate of 12% per annum.

4. The petition is allowed with no order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
May 26, 2010