

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

O.A. No. 205/2010

Major Hardev Singh Gill

.....Applicant

Versus

Union of India & Others

.....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. The petitioner was commissioned on 21.03.1961 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 30.06.1983 on completion of 50 years of age. He was denied pension on the plea that his total qualifying

service comes to be about 16 years which is less than the minimum required period of 20 years.

2. 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.

3. Learned counsel for the applicant referred clause 6.1 (a) of circular dated 30.10.1987 and clause 6.1 (a) of circular dated 03.02.1998 issued by the Ministry of Defence, Government of India.

4. Both the above mentioned circulars were discussed by us in the case of 'Major S.D. Singh' and we allowed the relief to the petitioner since he was late entrant and he had put in about 18 years of service whereas for the late entrants, the minimum qualifying period for full pension is 15 years as per clause 6.1 (a) of the circular dated 30.10.1987, likewise clause 6.1 (a) of the circular dated 03.02.1998, therefore, he is entitled to full pension as late entrant.

5. Hence, this petition is allowed and respondents are directed to work out the pension of the petitioner and be paid to the

petitioner within 3 months from today with interest at the rate of 12% per annum.

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

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
May 26, 2010