

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

T.A. No. 286/2010

[W.P. (C) No. 310/07 of Delhi High Court]

Ex Nk Bhagwana Ram

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh.S.M. Hooda, Advocate.

For respondents: Sh.Anil Gautam, Advocate.

**CORAM:**

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

**ORDER  
30.03.2010**

1. The present petition has been transferred from Hon'ble Delhi High Court to this Tribunal on its formation.
2. Heard learned counsel for parties.
3. Petitioner by this petition has prayed that respondents be directed to pay him the service pension for the services rendered in the D.S.C. with effect from 01.11.1990 and also pay the arrears along with interest thereon.

4. Brief facts which are relevant for the disposal of present petition are that petitioner was enrolled in the Army on 19.06.1954 and he was transferred to pension establishment on 19.10.1969. He was re-enrolled in D.S.C. on 29.03.1976 and he was discharged from there on attaining the age of superannuation on 31.10.1990 after rendering 14 years 7 months and 3 days of service and this is to be computed as 15 years qualifying service for pension. Therefore, he submitted that he is entitled to two pensions i.e. one from the spell he served in Indian Army and second from the spell he served in D.S.C. Therefore, he filed the present petition before the Hon'ble Delhi High Court which was transferred to this Tribunal on its formation.

5. A reply was filed by the respondents wherein they have pointed out that petitioner has already exercised his option long back in the year 1983 wherein he opted that his both services may be combined together for the purposes of counting qualifying period for grant of pension. This is apparent on record from the option certificate dated 12.04.1983. Since the petitioner himself has exercised his option i.e. his Army service and D.S.C. service may be counted together for the purposes of pension and same

has been counted and that comes to about 29 years of service. Petitioner had already been granted pension on that basis. Therefore, it is not open for the petitioner now to withdraw the option which he exercised way back in the year 1983. In this connection learned counsel for respondents invited our attention to the decision of Division Bench of Hon'ble Delhi High Court dated 24.08.2005 in WP(C) no.5964/2003 titled as 'Ex Nk Sanwat Ram vs UOI' and in WP(C) no.7351/2003 titled as 'Ex Nk Roshan Lal vs UOI' wherein in identical situation, the Division Bench has declined to interfere in the matter as once the option being exercised by the incumbent then it is not open for him to revoke the same. Therefore, there is no merit in the petition. Same is dismissed with no order as to costs.

**A.K. MATHUR**  
**(Chairperson)**

**M.L. NAIDU**  
**(Member)**

**New Delhi**  
**March 30, 2010.**