

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

TA No. 348/2010

[W.P. (C) No.3640/2004 of Delhi High Court]

Cpl (GD) Dalbir Singh Pehal .....Petitioner

Versus

Union of India & Ors. ....Respondents

For petitioner: Col. K. Digamber Singh, Advocate

For respondents: Ms.Tinu Bajwa, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.**

**HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER**  
**03.02.2010**

1. The present petition has been transferred from Hon'ble Delhi High Court to this Tribunal on its formation.

2. Petitioner moved this petition for grant of disability pension/full service pension.

3. Petitioner was initially recruited on 11.07.1984 in the cadre of Airman. He was invalided out on 26.05.1999 after completing 14 years and 309 days but he was short of 56 days for full qualifying service for pension i.e. 15 years. Since he was boarded out on

medical ground he was not given full service pension as per Rule 114 of the Pension Regulations for Air Force, 1961. Previously under Rule 114 (c) there is a provision that the Chief of the Air Staff can condone the period up to 6 months but now a recent order has been issued by the Government on 14.08.2001 wherein the power has been given to the Service Headquarters of all the three Forces to condone the period of 6 months up to 12 months. In this case, petitioner is only short by 56 days of qualifying service for getting the benefit of full service pension. Therefore, looking into the facts and circumstances, we direct that the period of 56 days be condoned and petitioner may be given full service pension as per Rules. However, he will be entitled to arrear for last three years only preceding filing of this writ petition i.e. 10.03.2004. The difference of arrears of pension may be worked out and be paid to the petitioner @ 12% interest. This whole exercise should be done within three months.

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

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

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

**New Delhi**  
**February 03, 2010.**