

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

TA No.467/10

Writ Petition (Civil) No.9444/09

Major Bandana Mitra

.....Petitioner

Versus

Union of India and Ors.

.....Respondents

For petitioner: Sh.T.K.Joseph, Advocate

For respondent: Sh. Ankur Chhiber, Advocate Proxy Counsel for Rajinder Nischal, Advocate

**CORAM:**

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

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

**ORDER**

**22.11.2010**

Learned counsel for the petitioner has produced before us the letter dated 8.7.2009 passed by the respondent granting the benefit of disability pension of the petitioner but they are confined the arrears for three years from the date of filing of the writ petition i.e. 9.4.2008. Learned counsel for the petitioner submits that Respondent cannot confine it to the period of three years as the petitioner is struggling for the last 17 years for this. Since this order dated 8.7.2009 is not subject matter of this petition, therefore, we cannot adjudicate on this order dated 8.7.2009. The petitioner further grievance is that even in pursuance of the order dated 8.7.2009, the amount in question has still not been released to her. The respondents are directed to release the amount of Rs.1,36,502/- in pursuance of the order dated 8.7.2009 to the petitioner forthwith. However, it is open for the petitioner to challenge the order dated 8.7.2009 pertaining to the cap laid down by them of three years.

Petition is accordingly disposed of. No order as to costs.

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

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

**New Delhi**  
**November 22, 2010**