

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

09.

O.A. No. 430 of 2010

Ex. Cpl.D.K. Yadav

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh.M.K.Gaur, Advocate

For respondents: Ms. Jyoti Singh, Advocate

CORAM:

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

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

03.02.2011

1. Petitioner by this petition has prayed that the respondent may be directed to grant service pension to the applicant according to the Govt. of India, Ministry of Defence letter dated 14.08.2001 after condoning the shortfall in qualifying service from the date of his discharge i.e. 31.07.2002 in the interest of justice.
2. The petitioner has put in 14 years 9 months and 25 days, therefore, according to petitioner is short by 31 days, therefore, authority may be directed to condone the period and grant him service pension.
3. Respondent has filed their reply and in their reply it has been pointed out that that petitioner has ^{received} ~~surrendered~~ 14 years and 298 days of service out of which 267 days of service was non-qualifying due to absent without leave and he has only 14 years and 31 days of qualifying service to his credit. Therefore,

the shortfall of 334 days of service in minimum qualifying service of 15 years required to earn service pension, however, he had been paid Rs.88,956/- and Rs.44,478/- on account of SG and DCRG respectively.

4. We have considered the submission and gone through the record which was placed by the respondent. It shows that man has been on nine occasions absent without leave and that period comes to about 267 days. Normally we would have granted him a condonation but for the fact that man has been a habitual absentee, therefore, it would not be a proper to exercise the jurisdiction of the tribunal to condone the delay of 267 days. Hence we do not find any merit in the petition and same is dismissed.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 03, 2011