

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

01.

O.A. No. 48 of 2012
With M.A. No.67 of 2012

Naik Ajit Singh

.....**Petitioner**

Versus

Union of India & Ors.

.....**Respondents**

For petitioner: Mr. K. Ramesh, Advocate.

For respondents: Ms. Jagrati Singh & Mr. Anil Gautam, Advocates.

CORAM:

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

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

ORDER

10.02.2012

Petitioner vide this petition has prayed that respondents may be directed to grant service pension on account of 15 years of physical service.

Petitioner said to have been enrolled on 02.03.1979 but he remained absent from 31.03.1994 to 26.04.1994. Again he remained absent from 17.06.1994 to 31.08.1994. He again remained absent from 27.11.1994 to 27.02.1996. Then he remained without leave from 13.06.1996 till date. After that he reported to the duty but was not taken into service.

Petitioner filed a Writ Petition No. 2099 of 1997 before the Hon'ble Delhi High Court which was transferred to this Tribunal as TA No. 314 of 2009 which was withdrawn by him on 03.02.2010 with the request to file a mercy petition before the Hon'ble President of India under Section 113(a) of the Pension Regulations for the Army 1961 for pensionary benefits. It is submitted that petitioner has already filed a mercy petition before the Hon'ble President of India under the aforesaid section and the same is pending till date.

Now petitioner has filed the present petition seeking pension for 15 years of physical service. Once petition has been filed before Hon'ble Delhi High Court which was transferred to this Tribunal and the same was withdrawn for seeking mercy and mercy petition is pending with the respondents, we are not inclined to interfere in the present case.

Petition is accordingly dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 10, 2012
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