

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

01.

**O.A. No. 94 of 2012**  
**With M.A. No. 209/2012**

**Ex Nk Permanand Singh**

**.....Petitioner**

**Versus**

**Union of India & Ors.**

**.....Respondents**

**For petitioner:** Mr. T.D. Yadav, Advocate.

**For respondents:** Ms. Barkha Babbar, Advocate.

**CORAM:**

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

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

**ORDER**  
**26.07.2012**

Petitioner vide this petition has prayed that directions be issued to the respondents to grant the revise rate of service pension to him w.e.f. 30.06.1996 till date as per the judgment of Hon'ble Punjab & Haryana High Court in the matter of Jai Narayan Jakkar Vs UOI and Others and Mange Ram & Others Vs UOI & Others. It is also prayed that petitioner be also paid all consequential benefits like difference of arrears of pension w.e.f. 30.06.1996 till date.

The petitioner was enrolled in the Army as Driver Grade II on 20.06.1979 and he was discharged from service as Lance Naik after completion of 17 years of service on 30.06.1996 and was granted the service pension. It is submitted that petitioner is entitled revision of his service pension to Rs.5620-140-8160 from the date of his discharge from service in terms of the judgment of Hon'ble Punjab & Haryana High Court in the matter

of Jai Narayan Jakkar Vs UOI decided on 14.01.2008. He sent representation for grant of revision of his service pension on 09.07.2010 followed with reminder dated 28.03.2011, however till date his representation has not been disposed of by the authorities. Hence, petitioner filed the present petition seeking aforesaid relief.

We have heard both the parties. The question of delay in filing the present petition arises in the present case. Section 22 of the Armed Forces Tribunal Act 2007 says that Tribunal cannot entertain a petition beyond six months, therefore, in view of Section 22, no direction can be given to the respondents in the present case for grant of revision of service pension.

Learned counsel for the petitioner has invited our attention to decision passed by the Hon'ble Supreme Court in the cases of **K.C. Sharma Vs. Union of India (1997) 6 SCC 721** and **Bombay Telephone Canteen Employees' Association, Prabhadevi Telephone Exchange Versus Union of India and Another (1997) 6 SCC 723**. It is true that their Lordships have discussed the service law of Administrative Tribunals Act, 1985 and condoned the delay. But so far as present case is concerned, our hands are tied by Section 22 of the Armed Forces Tribunal Act 2007. However, since petitioner has made representation to the respondents for revision of his services pension on 09.07.2010 followed with reminder dated 28.03.2011 and same have not been disposed of by the respondents till date, we direct the respondents to dispose the said representation dated 09.07.2010 within a period of three months from today and outcome of the same be communicated to the petitioner.

Petition is dismissed being belated with above observations. No order as to costs. Copy of order be given dasti as prayed.

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

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

**New Delhi**  
**July 26, 2012**  
mk