

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

81.

MA 2420/2024 in OA 175/2022

Ex MWO Bhagwat Prasad Gupta Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Ms. Pallavi Awasthi, Advocate
For Respondents : Mr. K K Tyagi , Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C P MOHANTY, MEMBER (A)

O R D E R
02.07.2024

MA 2420/2024

This is an application filed by the respondents under Rule 25 of the Armed Forces Tribunal (Procedure) Rules 2008 seeking modification of the Court's order dated 25th April, 2023 passed in OA175/2022.

2. It is submitted that the Hon'ble Supreme Court in the case of Union of India and Ors. Vs. Tarsem Singh [(2009) 1 AISLJ 371] while condoning the delay has restricted the arrears of disability element of pension to three years. It is further submitted that the as per GoI, MoD Letter No.4(19)2017/D (Pen/Legal) dated 13th September, 2016, the arrears of broad banding of disability element can be granted only for a maximum period of three years prior to the date of filing of the petition or from the date of discharge whichever is less.

3. In view of the above, we allow this MA and direct that the arrears of disability element of pension shall be restricted to three years from the date of discharge. This order shall be read in conjunction with the order passed on 25th April, 2023. MA thus stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C P MOHANTY]
MEMBER (A)**

KT/Vks

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