

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

5.

OA 2514/2024 with MA 2940/2024

Ex Nk Balbir Chand Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Advocate
For Respondents : Mr. Vinod Kumar Tiwari, Advocate
Maj A R Subhramaniam, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
31.07.2024

The applicant vide the present OA makes the following prayers:-

- (a) *Direct respondents to condone the deficiency /short fall of service and to make the applicant eligible for grant of service pension from Defence Security Corps. And/or*
- (b) *Direct respondents to grant service pension from Defence Security Corps including retiral and consequential benefits with effect from the date of discharge and to pay the due arrears with interest @ 12% per annum till final payment is made.*
- (c) *Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost against the respondents."*

2. MA 2940/2024

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 687 days in filing the present OA. In view of the judgments of the

Hon'ble Supreme Court in the matter of *UoI & Ors Vs Tarsem Singh* 2009(1)AISLJ 371 and in *Ex Sep Chain Singh Vs Union of India & Ors* (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 2940/2024 is allowed and the delay of 687days in filing the OA 2514/2024 is thus condoned. The MA is disposed of accordingly.

3. OA 2514/2024

The pleadings in the matter be completed by either side within a time frame of three months and the matter be listed before the Principal Registrar for completion of pleadings on 12.08.2024.

4. In view of submission made on behalf of the applicant that the length of service of treated by the DSC is 14 years, 03 months and 14 days in the prayer made seeking deficiency of the shortfall in service grant of service pension of the Defence Security Corps, the Registry is directed to re-notify the matter after disposal of the WP (C) 2863/2024 by the Hon'ble High Court of Delhi wherein a similar issue is involved.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)