

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

8.

OA 4512/2024 with MA 4687/2024

JWO Uma Shankar Jaiswal (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats, Abhay Kant
Upadhyay & Naveen Kumar Gautam,
Advocate
For Respondents : Mr. Prabodh Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
23.10.2024

MA 4687/2024

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1895 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 4687/2024 is allowed and the delay of 1895 days in filing the OA 4512/2024 is thus condoned. The MA is disposed of accordingly.

OA 4512/2024

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

- (i) To Quash and setting aside the Impugned Orders dated 06 Aug 2024 and GOI, MoD, DESW (Respondent No. 1), letter dated 20.07.2023 (ANNEXURE-A/1) (Colly)
- (ii) To direct the respondents to implement the GOI, MOD, DESW (Respondent No. 1), letter dated 06.06.2017, w.e.f.

06.06.2017 prospectively instead of retrospectively.
(ANNEXURE-A/2 (i))

- (iii) To Quash and set aside the GOI, MOD, DESW (Respondent No. 1), letter dated 04.01.2023, (ANNEXURE- A/2 (ii)).
- (iv) To Quash and set aside the detailed instructions issued by GOI, MOD, DESW (Respondent No. 1), vide their letter dated 20.01.2023, (ANNEXURE-A/2 (iii)).
- (v) To Quash and set aside the PCDA (Pensions) Circular No. 666 dated 20.01.2023 (ANNEXURE-A/2 (iv)).
- (vi) To Quash and set aside the clarifications/instructions given to CGDA by GOI, MOD, DESW, vide their I/D No. 1(1)/2019/D(P/P) dated 08.04.2022 (ANNEXURE-A/2 (v)).
- (vii) To direct the respondents the benefits of first revision of OROP w.e.f. 01 Jun 2019 and consequential benefits arising therefrom with the interest @ 12% on the arrears till realization of the actual payment.
- (viii) To call for records pertaining to letter No.1(1)/2019/D (Pen/Pol) dated 04 Jan 2023 and 20 Jan 2023.
- (ix) To call for records pertaining to letter No.12(1)/2014/D (Pen/ Pol)-Part-II dated 07.11.2015 and 06.06.2017.
- (x) Pass any other or further order(s) as may be deem fit and proper, in favor of the applicants.
- (xi) To award the cost of the original application to the applicants

3. Notice of the OA is issued to the respondents and accepted on their behalf. Pleadings in the matter be completed by either side and the matter be listed before the Joint Registrar for completion of pleadings on 28.10.2024, and the matter be listed with OA 1843/2024 on 16.01.2025 before the bench thereafter.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(MS. RASIKA CHAUBE)
MEMBER (A)