

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

10.

OA 303/2025 with MA 486/2025

Ex Nk Girdhar Singh ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Sukhbir Singh, Advocate  
For Respondents : Mr. S R Swain, Advocate with  
Mr. Sanjay, Advocate  
Maj Satvik Grover, OIC Legal

CORAM

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

ORDER  
06.02.2025

MA 486/2025

MA 486/2025 has been filed by the applicant seeking condonation of 2095 days delay in institution of the OA, which for reasons mentioned therein and in view of the verdicts of the Hon'ble Apex Court in *UoI & Ors Vs. Tarsem Singh* 2009(1)AISLJ 371 is allowed, and the delay condoned.

OA 303/2025

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

- "(a) Quash and set aside impugned letter No Pen/SP-Pet/4176277A/SR dated 15.04.2024. And/or*  
*(b) Direct respondents to grant Pro Rata Pension in lieu of service rendered by the applicant in DSC.*

*(c) Direct respondents to pay the due arrears of Pro Rata Pension with interest @12% p.a from the date of retirement with all the consequential benefits.*

*(d) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case."*

3. In reply to a Specific Court Query, the learned counsel for the applicant submits that the applicant places reliance on the Govt. of India letter no. 28016/5/85-Estt.(C) dated 31.01.1986 whilst seeking the grant of Pro-rata Pension.

4. A bare perusal of the said document relied upon on behalf of the applicant placed on record as Annexure A-3 indicates that it relates to appointment of Central Government Servants in the Central Public Enterprises on immediate absorption basis and the grant of Pro-rata Pension consequently.

5. Counsel for the applicant further submits that the applicant in fact is seeking the creation of a policy by the respondents for grant of Pro-rata Pension to personnel of the Indian Army who have worked for a period of ten years and have not been so absorbed into any Central Government Service. Directions for issuance of a policy by the respondents are not within the domain of this Tribunal, though the consideration of fallibility, if any, thereof would be.

6. Counsel for the applicant thus seeks that the present OA be allowed to be treated as a representation to the respondents for the grant of Pro-rata Pension.

7. Without any observations on the merits or demerits of the prayer that the applicant has made through the present OA 303/2025, the said OA is allowed to be treated as a representation to the respondents, which the respondents are directed to dispose of within a period of six months from today. It would be open to either side to seek redressal in accordance with law, thereafter.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

Yogita