

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

OA 1021/2021
with
MA 1083/2025 and MA 987/2021

Janki Devi W/o Applicant
Late Shri Mangla Nand
Versus
Union of India & Ors. Respondents

For Applicant : Mr. P.K. Sinha, Advocate
Mr. Umesh Chand Srivastava, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER

MA 987/2021

Keeping in view the averments made in this application and finding the same to be bona fide, in the light of the decision in the case of *Union of India and others Vs. Tarsem Singh* [(2008) 8 SCC 648], the instant application is allowed condoning the delay in filing the OA.

2. The MA stands disposed of.

OA 1021/2021

3. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant who is a

widow of Late Shri Mangla Nand has filed this application and the prayers made in Para 8 read as under:

“(a) Order or direction to respondents No.1 and 2 to re-fix the pension of the husband of the applicant and thereafter Family Pension after taking into account his total service of 17 years and 3 months rendered by Late Subedar Mangla Nand during pre-independence period along with that of his service during post-independence period in Army as detailed in para 4 & 5 of this application.

“(b) Order or direction to respondents No.1 and 2 to provide ‘OROP’ benefits in accordance with sub para (xxi) of para 4.

“(c) Pass any such order (s) as this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the present case.”

4. Facts, in brief, necessary for determining the issue in question indicate that Late Shri Mangla Nand was appointed into the Army in the then existing British India during World War-II which was in operation from 01.09.1939 to 02.09.1945, in between he worked in the Indian Hospital Corps (under British Indian Army) from 18.03.1941 and was discharged on 16.05.1946 (Annexure A-2). At Page No.32 is the Discharge Book which was issued to him by the then British Indian Army and it is recorded that he worked during the period as indicated hereinabove, i.e., date of enrollment – 18.03.1941 and date of discharge – 16.05.1946. In the Discharge Book, the reason for his discharge, as is evident, indicates that he was discharged in consequence to

reduction of the force on demobilization. The aforesaid fact is mentioned in Page No.34 of the Discharge Book.

5. It is, therefore, clear from the aforesaid that Late Shri Mangla Nand was working in the Indian Hospital Corps in the then British Indian Army during the period of World War-II. After his discharge from the then British Indian Army, Late Shri Mangla Nand was re-enrolled in the 111 Infantry Battalion (TA), Kumaon on 23.02.1957 and he was invalidated out of service on medical ground on 12.04.1967. Annexure A-3 at Page No.38 is the Discharge Certificate issued by the 111 Infantry Battalion (TA), Kumaon and therein it is shown that his date of enrollment was 23.02.1957 and date of discharge was 12.04.1967, he had further attended a training period of 01 year and 212 days and the total embodied service as indicated in the Discharge Certificate is between 24.11.1959 to 20.09.1964 and again from 16.09.1965 to 15.02.1966.

6. After his discharge from 111 Infantry Battalion (TA), Kumaon, Late Shri Mangla Nand was granted pension based on service element and disability element in the 111 Inf Bn (TA), Kumaon vide PPO No.D/3226/69 (Annexure A-4) and the benefit was granted to him by the office of PCDA (P), Prayagraj, and his rank at the time of discharge was shown as Subedar Group 'P'. While he was being granted these benefits, Late Shri

Mangla Nand suspected certain discrepancies in the distribution of the pension and, therefore, vide Annexure A-5, he sought clarification and rectification of the pension on 07.09.2015. The office of the Records Kumaon Regiment vide Annexure A-6 dated 24.10.2015 confirmed that he was enrolled in the Army on 15.03.1941 and various information as per the records were communicated vide Annexure A-6 to the Office of PCDA (P), Prayagraj, for necessary action into the representation.

7. It is the case of Late Shri Mangla Nand, as is evident from the representation, that he was under the impression that he is being granted pension counting both the spells of service rendered by him in the British Indian Army and in the Indian Army but vide Annexure A-8, he was informed that he is not eligible for OROP and the benefit of OROP is not being granted to him. He, therefore, again sought clarification and redressal of his grievance vide Annexure A-9 on 30.12.2016 and the Directorate of Sainik Welfare and Resettlement, Dehradun, vide communication Annexure A-10 addressed a letter to the Records Office, The Kumaon Regiment for revision of pensionary benefits of Late Shri Mangla Nand under OROP scheme and in Para 2 of the said letter his period of service, photocopies of Discharge Certificates and etc., were forwarded. While the representations and clarifications were so in progress,

as is evident from Annexure A-13, i.e., Death Certificate, that Late Shri Mangla Nand left for his heavenly abode on 10.01.2018. After his death, the present applicant, namely, Smt. Janki Devi (his wife), on assistance from the District Sainik Welfare Board and other authorities sought redressal of grievances from the Army Authorities, i.e., for grant of pension and OROP benefit during the life time of her husband and thereafter, Family Pension to her vide Annexure A-14 onwards. She also raised her grievances through the CPGRAM PORTAL and various other authorities collectively marked as Annexure A-14 – A-20 are the various representations submitted by the present applicant after death of her late husband, namely, Ex Sub Mangla Nand. However, when nothing happened, through her counsel, a legal notice was also sent by the applicant to which finally by the impugned order, the applicant was informed that Late Shri Mangla Nand has not exercised the option of counting his service for clubbing together both the services and grant of pension and, therefore, her grievance cannot be considered. It was also informed that the option forms and other required documents are not available and, therefore, no action can be taken. Collectively filed are the communications from Annexures A-17 to 19 in this regard. The PCDA (P), Prayagraj, on 04.04.2019 vide Annexure A-18A

informed that option form and other documents for adding previous service tenure are not available and, therefore, no action can be taken. Finally, when the claim was rejected on these grounds, the applicant invoked the jurisdiction of this Tribunal.

8. Learned counsel for the applicant took us through the documents available on record and argued that Late Shri Mangla Nand has been in continuous service for a period of 05 years 05 months and 28 days between 18.03.1941 to 16.05.1946 and in the second term for a period of 10 years 01 months and 19 days from 23.02.1957 to 12.04.1967. However, the respondents in their counter affidavit have spelt out the service period of Late Shir Mangla Nand by contending that the total service period of Late Shri Mangla Nand is 05 years 05 months and 28 days in the British Indian Army but in the 111 Inf Bn (TA), Kumaon, it is for two periods, i.e., 24.11.1959 to 20.09.1964 in the first instance and 16.09.1965 to 15.02.1966 in the second instance which comes to 07 years and 53 days and not more than 10 years as contended by the applicant. Accordingly, they say that even if both the periods are clubbed together, it is less than the qualifying service period to earn pension which is 15 years. Respondents also relied upon Rule 126 (b) of the Pension

Regulations for the Army, 1961, Part-I (Annexure R-8) and the communication dated 04.10.2018 of the Records Office of Kumaon Regiment (Annexure R-4) to say that the option form of the applicant's husband for clubbing together both the period of service being not available, he cannot be granted any benefit.

9. Respondents in the counter affidavit submitted that the contention of the applicant that the total period of service of Late Shri Mangla Nand is 17 years and 03 months is not correct. They further relied upon Annexure R-7, the communication made by the Records Office, Kumaon Regiment to point out that the service of the applicant's husband is less than 15 years but he has been granted Invalid Pension in accordance to the provisions of the Pension Regulations for the Army. Two objections were primarily raised by the respondents in the counter affidavit. First for the purpose of granting pensionary benefit to the applicant, it is their contention that the applicant's late husband does not have the service of 15 years to earn pension and second they said that no option form of Late Shri Mangla Nand is available for the purpose of clubbing together both the service for grant of pensionary benefit. They only contented that in view of the fact that he was invalidated out of service, he has been granted the disability element of service

pension. They also objected to the delay in filing of the OA for pension and challenge the averments made in MA 987/2021 filed by the applicant seeking condonation of delay.

10. It is the case of the respondents that the cause of action for claiming the benefit of pension accrued to the applicant's late husband when he was discharged after completion of his second service on 12.04.1967. There is an inordinate delay of more than 50 years in invoking the jurisdiction of this Tribunal and, therefore, on the ground of delay itself, the OA should be dismissed. However, in the application for condonation of delay, i.e., MA 987/2021 filed by the applicant under Section 22 of the Armed Forces Tribunal Act, 2007 read with Section 5 of the Limitation Act, 1963, the applicant relied upon various correspondence made by Late Shri Mangla Nand for grant of pensionary benefit and OROP benefit and the law laid down by the Hon'ble Supreme Court in the case of Union of India and others Vs. Tarsem Singh [(2008) 8 SCC 648] to say that pension being a continuous right, the claim cannot be rejected.

11. That apart, learned counsel for the applicant during the course of hearing invited our attention to two judgements which according to him are very much relevant for deciding the issue in question. The first judgement, Annexure A-26 at Page No.104 of the paper book, is a judgement rendered by the AFT, Regional

Bench, Chandigarh at Circuit Bench, Shimla in three cases, i.e., OA 1762/2014, Smt Bhekari Devi Vs. Union of India & others, OA 1763/2014, Smt Kesari Devi Vs. Union of India & others, and OA 1764/2014, Smt Kesari Devi Vs. Union of India & others, decided by a common order passed on 28.07.2017. All these cases were filed by widows of late personnel in the Army who were enrolled in the then British Indian Army in the year 1941 and were discharged sometime in the year 1947 before Independence. In the three cases before the Regional Bench, in OA 1762/2014, the person concerned Ex-Sep Kehar Singh has worked for 06 years 06 months and 20 days for the Indian Army between 09.01.1941 to 29.07.1947. In the second case, Ex-Sep (GD) Punjab Singh was enrolled in the Indian Army, RI ASC (Supply) from 09.01.1941 and discharged like the applicant on reduction and demobilisation on 25.05.1947 after rendering service for 06 years 04 months and 17 days and in the third case, Ex-SWR Ghasitoo was enrolled in the Indian Army on 10.12.1940 and released from service under the then existing regulation on 07.10.1946 after rendering 05 years 09 months and 28 days of service. After their death, their widows claimed pensionary benefit and the same was denied to these personnel on the ground that they have not had the qualifying service and their service was less than 10 years, i.e., between

five to seven years. Therefore, pensions were denied to them. However, it was contended by these personnel that they are entitled to pension and they also relied upon certain circulars of the Ministry of Defence (MoD), Government of India (GoI) and judgements of the Hon'ble Rajasthan High Court, Hon'ble Delhi High Court and Benches of this Tribunal as detailed hereinunder:

(a) Judgement of the Rajasthan High Court Court (Jaipur Bench) in the case of Sultan Singh Vs. Union of India & others, Civil Special Appeal (Writ) No.1251 of 1996 in CWP No.3637 of 1995, decided on 26.01.2002;

(b) Judgement of Delhi High Court in CW(C) No.7716 of 2009 in the case of Ganga Devi Vs. Union of India and others, decided on 23.07.2010;

(c) Judgement of the Armed Forces Tribunal in TA No.182 of 2010 in the case of Smt Indirawati (widow) Vs. Union of India and others, decided on 03.09.2010; and

(d) Order in MA No.176 of 2010 in TA No.182 of 2010, arising out of CS No.327 of 2006, decided on 28.10.2010.

12. Learned counsel for the applicant took us through these judgements and placed reliance on Para 595 of the Regulations

for the Army, Regulation 227 of the Pension Regulations and finally a communication of the GoI, MoD dated 30.04.1951 referred to in the said judgement and argued that the Coordinate Bench of this Tribunal at Regional Bench, Chandigarh had granted pensionary benefit to the employees. Learned counsel argued that the applicant sought for a copy of the MoD's letter dated 30.04.1951 referred to in the judgement of this Tribunal but the same was not supplied to him. However, learned counsel brought to our notice another judgement (Annexure A-10) with the rejoinder available at Page No.211 of the paper book rendered by the Hon'ble High Court of Rajasthan, (Jaipur Bench) in the case of Sajjan Kanwar Vs. Union of India, decided on 21.03.2005 reported in 2005 LawSuit(Raj) 169, wherein the provision of Regulation 316 of the Pension Regulations for the Armed Forces in India, 1940 has been referred to and after referring to the circular of the GoI, MoD letter dated 30.04.1951, in Para 5 and 6 of the said judgement, benefit has been granted to the employees concerned.

13. Accordingly, learned counsel for the applicant argued that based on these principles and for the period of service rendered in World War-II as per the letter dated 30.04.1951, the period of service has to be treated as double the service rendered

meaning thereby that the period of service rendered during World War-II being 05 years 05 months and 28 days, if this is doubled, the period would be 10 years 10 months and 56 days and, therefore, adding both the services, i.e., 10 years during World War-II and more than 07 years in the 111 Inf Bn (TA), Kumaon, Late Shri Mangla Nand would be entitled to pensionary benefit.

14. When the matter was being heard by this Tribunal on 29.01.2025, this Bench took note of all these arguments and took note of the fact that the respondents have not indicated any rule, regulation or policy based on which the service rendered in the British Indian Army after Independence is to be treated in the Indian Army, rules and regulations for absorption, etc. have not been referred to. In Para 4 and 5 of the order dated 29.01.2025, we directed the respondents in the following manner and directed them to file an additional affidavit and bring on record policy, instructions, circulars or Army Orders in this regard:

“4. The respondents have not indicated any rule, regulation or policy based on which the service rendered in the British Army after independence is to be treated in the Indian Army, rules/regulations for absorption etc. That apart, in the peculiar facts and circumstances of the case, whether there is any provision for counting service rendered by Late Mangla Nand in the British Army as service rendered for the purpose of granting additional pensionary benefits. All these issues are neither addressed in the counter affidavit

nor is any rule, regulation or policy is brought on record with regard to the manner in which the aforesaid case is to be resolved.

5. Before proceeding in the matter, we want respondents to clarify all these issues and bring the relevant policies, circular on record in the matter. That apart, respondent should also clarify on what basis they have indicated in the counter affidavit that in absence of Option Form, the applicant's husband's former service cannot be counted for pensionary benefits. Based on what policy respondents have made such a statement in the affidavit. Any policy, instructions, circular or army order etc. available in this regard should be brought on record. Four weeks' time is granted to do so."

15. Repeatedly time was granted to the respondents and finally, an additional affidavit has been filed by the respondents on 17.10.2025 in response to the aforesaid order passed by this Tribunal on 29.01.2025. The additional affidavit does not refer to anything. It only repeats the averments made in the counter affidavit and in Para 8 of the additional affidavit, the respondents again refer to Regulation 126 of the Pension Regulations for the Army, 1961 (Part-I) and Para 45 of the Pension Regulations for the Army 2008 (Part-I) to contend that for reckoning the former service towards pension, an option has to be exercised by the individual concerned and as the applicant's husband did not submit any option and no such option is available in the records, the service rendered by him from 18.03.1941 to 16.05.1946 in the Indian Hospital Corps (IHS) is not counted. They do not bring on record

any policy, circular or material. Even reliance placed by learned counsel for the applicant to the MoD, GoI's letter dated 30.04.1951 referred to in the order passed by the AFT, Regional Bench, Chandigarh so also by the Hon'ble Rajasthan High Court in the case of *Sajjan Kanwar* (supra) is not referred to, rebutted or produced. Therefore, based on the material that has come on record as is indicated hereinabove, we propose to decide the matter.

16. As far as the facts are concerned, the same is not disputed. The applicant's husband Late Sub Mangla Nand (TJ-566) was enrolled in the then British Indian Army before Independence with the Indian Hospital Corps (IHS) w.e.f. 18.03.1941 to 16.05.1946, i.e., during the period of World War-II and during this period, he had rendered 05 years 05 months and 28 days of service. It is also clear from the Discharge Book available on record, i.e., Annexure A-2 at Page No.34 that he has worked for this period and the period of service is indicated as 05 years 05 months and 28 days and the reason for discharge is shown as reduction of the Indian Army on demobilisation. Thereafter, with regard to the service rendered after Independence in the 111 Inf Bn (TA), Kumaon, it is an admitted position that the applicant's husband worked for two spells, i.e., from 24.11.1959 to 20.09.1964

and from 16.09.1965 to 15.02.1966 which according to the respondents come to about 07 years and 53 days.

17. The question, therefore, is as to whether by clubbing together both these period of service for pensionary benefit can be granted to the applicant's husband? However, before considering the same, we are required to consider the question of condoning the delay of about 50 years in approaching and invoking the jurisdiction of this Tribunal. The facts as are detailed hereinabove clearly goes to show that during his life time right from the year 2014 itself, when there were some discrepancies in the payment of pension to him, Late Shri Mangla Nand started corresponding with the Office of PCDA (P), Prayagraj, and series of representations submitted by him are available on record up to the year 2018 when he expired. Thereafter, on his death in the year 2018, i.e., 10.01.2018, his wife, the applicant herein took up the matter and sent a legal notice through her counsel in the year 2020, i.e., 14.03.2020 and when the same was rejected on 05.05.2020 vide Annexure A-1, she invoked the jurisdiction of this Tribunal by filing this application under Section 14 of the AFT Act, 2007 on 31.05.2021. That being so, it is a case where the applicant and her late husband Shri Mangla Nand has been prosecuting the matter diligently since 2014-2015 onwards and

that apart, as held by the Hon'ble Supreme Court in the case of *Tarsem Singh* (supra), pension is a continuous right and, therefore, merely on the ground of delay, the benefit of pensionary benefit cannot be denied and a claim for pension cannot be rejected on the ground of delay. The only restriction imposed on this Tribunal is to restrict the payment of arrears for a period of three years prior to filing of the OA.

18. Taking note of the legal principles involved in the matter of condonation of delay as discussed in the case of *Tarsem Singh* (supra) and further applying our mind to the fact that Late Shri Mangla Nand served in the Indian Army both prior to and after Independence, he was invalidated out of service on medical ground and he was granted disability element of pension because of such invalidation, the issue is can, on technical ground, the claim of a dedicated brave soldier who sacrificed his entire life for the cause of the nation be decided in a manner so technical in nature that the claim for pension should be rejected on the ground of delay and laches. This Tribunal follows the principles of dispensation of justice in a manner that is conducive to grant of benefit as a welfare measure to men in uniform and also to their dependents and widows for the service rendered by them for the nation and, therefore, we adopt a welfare oriented liberal view in the matter and accordingly, we

are not inclined to dismiss this application on the ground of delay even otherwise legal grounds have been made out even based on the principle laid down by the Hon'ble Supreme Court in the case of *Tarsem Singh* (supra) for condonation of delay in such cases. In view of the same, MA 987/2021 for condonation of delay is allowed.

19. As far as merit of the matter is concerned, as is evident from the records and the averments made by the respondents, the total period of service rendered by Late Shri Mangla Nand in two spells is 05 years 05 months and 28 days in the first spell and 07 years 53 days in the second spell. Admittedly, the respondents are denying the benefit of pension to the applicant and her late husband on the ground that he does not fulfill the qualifying period of 15 years to get pension, as per the Regulation 126 and Para 45 of the Pension Regulations for the Army (Part-I), 2008, Late Shri Mangla Nand did not submit any option which is not available in the records of the Kumaon Regiment. Mere, non-submission of option, in our considered view, cannot be a ground for rejecting the pensionary claim of the employee concerned. However, even if for arguments sake, we accept this contention of the respondents that Late Shri Mangla Nand did not have the qualifying service of 15 years. However, we find from the judgement rendered by the Hon'ble

High Court of Rajasthan in the case of *Sajjan Kanwar* (supra) that in the said case also the employee therein Late Shri Jamadar Banne Singh initially worked in the then British Indian Army for 07 years 09 months and 27 days. Thereafter, he was re-enrolled in the Rajputana Rifles 27 Bn on 27.09.1939 and was granted Viceroy Commission on 01.10.1942 and then he was discharged from the second engagement on 21.02.1946 after rendering 06 years 04 months and 25 days of service. He also had rendered less service and, therefore, pensionary benefits were denied to him. The total service rendered by the employee was found to be 14 years 02 months and 22 days and he was only prayed gratuity. The Hon'ble High Court of Rajasthan in Para 5 of the judgement took note of Regulation 316 of the Pension Regulations for the Armed Forces in India, 1940 and thereafter in Para 6 of the judgement took note of a letter dated 30.04.1951 issued by the GoI and discussed the issue in the following manner:

“[6] It is not disputed during the course of arguments that the petitioner was disengaged of his second tenure on account of reduction in the Armed Forces. It is thus an admitted position that the case of the petitioner is covered under Clause (a) of Regulation 316 of the Regulations of 1940. In so far as the plea raised by the learned counsel appearing for the Union of India that the husband of the petitioner had not rendered 10 years of service is concerned, the same is factually incorrect. The combined two periods if counted, the husband of the petitioner had served Armed Services for more than 14 years. Even if, it is to be assumed

that the petitioner after he was first engaged voluntarily left service, the second period the husband of the petitioner had served in Army was more than 6 years. It is an admitted position as would be clear from the pleadings made in paragraph 7 and corresponding para of the written statement that the service of an Armed Personnel if rendered during World War- II, shall have to be counted double for the purpose of pensionary benefits. This pleading has been made in paragraph 7, on the basis of Government of India, Ministry of Defence's letter dated 30.4.1951. If the first period of engagement of the husband of the petitioner is excluded even then he is deemed to have rendered double of service of his second engagement which comes out to more than 10 years."

20. As indicated hereinabove, the Hon'ble High Court of Rajasthan found that the total service rendered is 14 years and for the period rendered during World War-II, the same has to be counted doubled for the purpose of grant of pensionary benefit and, therefore, counting the first period of service rendered during World War-II to be doubled for pensionary benefits, the benefit of pension has been granted to the employee in the said case based on the stipulations contained in the letter dated 30.04.1951. If this principle is applied in the case of the present applicant, it is very clear that World War-II was from the period 01.09.1939 to 02.09.1945 and it is during this period, i.e., 18.03.1941 to 16.05.1946 that Late Shri Mangla Nand worked in the Indian Army and if applying the provisions of the MoD letter dated 30.04.1951, this period is doubled and it would come to around 10 years and in the second spell Late

Shri Mangla Nand had about 07 years of service and if both these periods are counted, the total pensionable service period of Late Shri Mangla Nand comes to around 17 years. This principle laid down by the Hon'ble High Court of Rajasthan in the case of *Sajjan Kanwar* (supra) has been followed by a Coordinate Bench of this Tribunal, i.e., AFT, Regional Bench, Chandigarh, in the judgement rendered in three cases, i.e., OA 1762/2014, OA 1763/2014 and OA 1764/2014 decided on 28.07.2017 wherein the three employees had served the Indian Army during the World War-II for periods ranging from five to seven years only and they were denied pension. The AFT, Regional Bench, Chandigarh, took note of the MoD letter dated 30.04.1951 and the judgement rendered by the Hon'ble High Court of Rajasthan in the case of *Sajjan Kanwar* (supra) in Para 6, i.e., judgement in CWP No.7739/2003 titled *Sajjan Kanwar (Smt) Vs. Union of India and others* decided on 21.03.2005 and granted pensionary benefit to the three widows of the late personnel after condoning the delay.

21. In our considered view, similar benefit cannot be denied to the present applicant as well. Even when we had heard the matter partly at length on 29.01.2025 and granted opportunities to the respondents to produce before us all the

policies, instructions, circulars and Army Orders in the matter of counting of service for the service rendered in the Indian Army prior to 1947. When the respondents filed an additional affidavit after nine months on 17.10.2025, except for repeating the objections already raised in the counter affidavit, they did not bring on record any circular, order or instruction in this regard. Even the reliance placed by learned counsel for the applicant in his application under Section 14 of the Armed Forces Tribunal Act, 2007, to the judgement of this Tribunal, RB, Chandigarh dated 28.07.2017 and the judgement of the Hon'ble High Court of Rajasthan in the case of *Sajjan Kanwar* (supra) which was brought on record vide rejoinder filed by the applicant's counsel on 10.02.2022, the respondents did not raise or clarify the position or deny existence of the circular dated 30.04.1951. Even in the year 2005, the Hon'ble High Court of Rajasthan and in 2017, a Coordinate Bench of this Tribunal relying upon the said circular has granted pensionary benefit to various employees and, therefore, we see no reason to deny benefit to the present applicant.

22. Therefore, we allow this application and direct that the pensionary benefit should be granted to Late Shri Mangla Nand for the service rendered by him by clubbing together the services rendered in both periods as indicated in this order and

thereafter, after his death, Family Pension to the applicant herein, i.e., widow of Late Shri Mangla Nand, namely, Smt. Janki Devi in accordance with the rule.

23. Accordingly, we allow this OA and issue following directions:

(a) Treating the period of service rendered by Late Shri Mangla Nand to be 17 years 10 months and 109 days, pensionary benefit be granted to Late Shri Mangla Nand with effect from the date of discharge from the service, i.e., 12.04.1967 from 111 Inf Bn (TA), Kumaon of the Indian Army as per the circular dated 30.04.1951 which was brought into force.

(b) The benefit of OROP is also to be calculated and granted to Late Shir Mangla Nand as per his entitlement and thereafter, after his death, on revision, Family Pension shall be granted to the present applicant, namely, Smt. Janki Devi, widow of Late Shri Mangla Nand.

(c) As far as grant of arrears of pension is concerned, as we have condoned the delay in filing of this OA based on the law laid down by the Hon'ble Supreme Court in the case of *Tarsem Singh* (supra), we direct that after calculating pensionary benefit which is to be paid to the applicant and thereafter fixing the pension notionally after

granting all revision and increase in pension, arrears of pension be granted to the applicant from a period of three years prior to filing of this OA.

(d) The respondents are, thus, directed to calculate, sanction and issue the necessary PFO to the applicant within a period of three months from the date of receipt of a certified copy of this order along with all other benefits to the applicant, namely, Smt. Janki Devi and in case the benefits are not granted within three months, the entire amount shall be payable to the applicant with an interest @ 8% p.a. from the date of receipt of copy of the order by the respondents.

24. Accordingly, the OA stands disposed of.

25. No order as to costs.

26. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 15 day of December, 2025.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

Neha