

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

3.

OA 374/2025 with MA 594/2025

Ex JWO Anil Kumar Garg Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Advocate
For Respondents : Ms. Sameer S. Sinha, Advocate
Mr. Pankaj Sharma, Incharge DAV Legal Cell

CORAM

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

ORDER
13.02.2025

MA 594/2025

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 7871 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 594/2025 is allowed despite opposition on behalf of the respondents and the delay of 7871 days in filing the OA 374/2025 is thus condoned. The MA 594/2025 is disposed of accordingly.

OA 374/2025

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

- “(a) grant service pension of the rank of JWO i.e. the rank last held by the applicant wef date of discharge. and/or
(b) Direct respondents to pay the due arrears of pension with interest @12% p.a from the date of retirement with all the consequential benefits.*

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

2. Notice of the OA is issued and accepted on behalf of the respondents in as much as the claim of the applicant is to the effect that despite his having been discharged in the rank of JWO on the date 30.06.2003, he is still being paid service pension in the rank of Sgt. The matter in issue is no longer *res integra* in view of the order of this Tribunal in *JWO P. Gopalakrishnan Vs. Union of India and Ors.* in OA No.62/2014 decided on 13.02.2015. Furthermore in terms of the judgment of the Hon'ble High Court of Delhi in WP(C) 6815/2024 decided vide order dated 20.12.2024 also, the said aspect is abundantly clear. In view thereof, subject to verification of the averments made by the applicant in relation to the date of his discharge in the rank of JWO, the respondents are directed to make the payment of the service pension of the applicant in the rank of JWO w.e.f the date of his discharge within a period of three months of the date of this order with it being directed further to the effect in view of the verdict dated 20.12.2024 of the Hon'ble High Court of Delhi in WP(C) 6815/2024 that the arrears of the grant of the last rank pension would be confined to commence to run from the period of three years to the present OA instituted on 07.02.2025. The arrears of the last rank pension as directed hereinabove be also paid within a period of three months, failing which, interest @6% p.a would accrue as payable by the respondents. The OA 374/2025 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)