

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

OA 624/2024 WITH MA 744/2024

Ex Sep Deependra Chand ... Applicant  
Versus  
Union of India and others ... Respondents

For Applicant : Mr. Ved Prakash, Advocate  
For Respondents : Mr. Satya Ranjan Swain, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT. GEN C.P. MOHANTY, MEMBER (A)

ORDER

MA 744/2024

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 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 the reasons mentioned, the MA 744/2024 is allowed and the delay of days in filing the OA 624/2024 is thus condoned..

2. The MA is disposed of accordingly.

OA 624/2024

3. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA and has made the following prayers:

*“(a) Direct the respondents to grant Disability Pension w.e.f his date of discharge.*

OR

*(b) Direct respondents to grant Invalid pension to the applicant w.e.f his date of discharge.*

*(c) Direct respondents to pay the due arrears 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 along with the cost of the application in favour of the applicant and against the respondents."*

4. The applicant was enrolled in the Indian Army on 26.03.1988 and was discharged from service on 31.03.2012 after accruing 24 years of service. He was re-enrolled in DSC on 13.06.2012 and was invalidated out from service in low medical category (LMC) on 31.12.2019 after rendering 7½ years of service in DSC. He was diagnosed with a disability named "Malunited Dorsal Barton's Fracture" in December 2013. The Invaliding Medical Board held the disability as "neither attributable to nor aggravated" by the service and assessed it at 30% for life. The applicant was invalidated out of service vide letter no. 15W/PI-56/Disch/DSC/15 dated 07.08.2019.

5. The initial claim for grant of disability pension was rejected vide letter no. Pen/DP/14182511F/12/19 dated 13.05.2020. The applicant submitted his 1st Appeal dated 18.01.2023 against the said rejection of disability pension. However, it is submitted by the applicant that neither any action has been taken nor any reply

has been received by him. Aggrieved by this the applicant filed the instant OA.

6. Placing reliance on Rule 266 of the Pension Regulations for the Army, 1961 (Part I), it is submitted by the applicant that all the general rules given in the Pension Regulations for the Army 1961 are applicable to DSC personnel and similar provisions provided in Regulation 173 of the Pension Regulations for the Army, 2008 (Part-I). It was contended that post his accident the applicant was operated in Civil as he was on leave and the second surgery was conducted in the Army Hospital, and due to an unsuccessful surgery, it can be denoted as attributable to and aggravated by Military Service. The counsel placed reliance on the judgement of the Hon'ble Supreme Court in the case of Union of India Vs Mahavir Singh Narwal, wherein it was held that the person who is in lower medical category, than the one he was recruited in shall be treated as invalided out for the purpose of disability pension.

7. Per contra, learned counsel for the respondents submits that as per Regulation 173 of Pension Regulations for the Army, 1961, Part-I, the primary condition for grant of disability pension is that unless otherwise specifically provided, a disability pension may be granted to an individual who is invalided out from service on account of a disability which is attributable to or aggravated by military service and the disability is assessed

at 20% or more. In the instant case, the disability being neither attributable to nor aggravated by military service, the applicant is not entitled for disability element as stipulated in Pension Regulation for Army, 1961, (Part-I) and as such, his claim was rejected. Thus, the applicant is not entitled for grant of disability pension due to policy constraints.

8. Applying the above parameters to the case at hand, we find no infirmity in the opinion of the Medical Board and are of the considered view that the disability "Malunited Dorsal Barton's Fracture" is not attributed to service since it was accrued during leave, and further in absence of any causal connection, attributability of injury cannot be conceded in such cases.

9. We find that in the Full Bench decision of Hon'ble Delhi High Court in. the case of *Ex Nk Dilbag Singh Vs Union of India & Ors* delivered on 22.08.2008 in Writ Petition No. (C) 6959 of 2004 and connected matters, their Lordships observed in para-19, 23 and 24 as under:-

*"19. For similar reasons we are unable to subscribe to the views in Ex. Sepoy Hayat Mohammed -vs- Union of India, 138(2007) DL T 539(08) to the effect that the petitioner was eligible for the grant of Disability Pension owing to the fact that while on casual leave in his home he suffered several injuries owing to a steel girder and roof slabs falling on him. One of the reasons which appear to have persuaded the same Division Bench was that persons on annual leave are subject to the Army Act and can be recalled at any time as leave is at the discretion of the Authorities concerned. A rule of this nature is necessary to cover the eruption of insurgencies or the breakout of a war. They neither envisage nor attempt to deal with liability to pay Disability Pension. It is impermissible to extrapolate a rule catering for a particular situation to altogether different circumstances.*

23. We have also perused the detailed Judgment of the Division Bench of this Court in *Shri Bhagwan* wherein *Jarnail Singh* also came to be discussed. The Bench observed that - "An individual may be "on duty" for all practical purposes such as receipt of wages etc. but that does not mean that he is "on duty" for the purpose of claiming disability pension under the 1982 Entitlement Rules..... A person to be on duty is required, under the 1982 Entitlement Rules, to be performing a task, the failure to do which would constitute an offence triable under the disciplinary code applicable to him. A person operating a wheat thresher while on casual leave cannot, by any stretch of imagination, be said to be performing an official duty or a task the failure to perform which would lead to disciplinary action". We respectfully affirm these views of the Division Bench.

24. To sum up our analysis, the foremost feature, consistently highlighted by the Hon'ble Supreme Court, is that it requires to be established that the injury or fatality suffered by the concerned military personnel bears a causal connection with military service. Secondly, if this obligation exists so far as discharge from the Armed Forces on the opinion of a Medical Board the obligation and responsibility a fortiori exists so far as injuries and fatalities suffered during casual leave are concerned. Thirdly, as a natural corollary it is irrelevant whether the concerned personnel was on casual or annual leave at the time or at the place when and where the incident transpired. This is so because it is the causal connection which alone is relevant. Fourthly, since travel to and fro the place of posting may not appear to everyone as an incident of military service, a specific provision has been incorporated in the Pension Regulations to bring such travel within the entitlement for Disability Pension if an injury is sustained in this duration. Fifthly, the Hon'ble Supreme Court has simply given effect to this Rule and has not laid down in any decision that each and every injury sustained while availing of casual leave would entitle the victim to claim Disability Pension. Sixthly, provisions treating casual leave as on duty would be relevant for deciding questions pertaining to pay or to the right of the Authorities to curtail or cancel the leave. Such like provisions have been adverted to by the Supreme Court only to buttress their conclusion that travel to and fro the place of posting is an incident of military service. Lastly, injury or death resulting from an activity not connected with military service would not justify and sustain a claim for Disability Pension. This is so regardless of whether the injury or death has occurred at the place of posting or during working hours. This is because attributability to military service is a factor which is required to be established."

10. The view expressed by the Full Bench of Hon'ble Delhi High Court, approved by Hon'ble Apex Court, clearly establishes that the requirement of law is that it has to be established that the activity resulting in injury suffered by

the military personnel bears a causal connection with military service. Whether injury was suffered during annual leave or casual leave or at the place of posting or during working hours is not relevant because attributability to military service is a factor which is required to be established in all such cases. A careful study of observations made in the case of *Ex Nk Dilbagh Singh Vs Union of India*, 2008 (106) (DRJ 865) shows that it considered the word "duty" as given in Appendix II of Regulation 423 of Medical Services of Armed Forces Regulations, 1983 defining the attributability to service.

11. We observe that the Hon'ble Apex Court in *Union of India & Ors Vs Baljit Singh*, (1996) 11 SCC 315, has observed that in each case where a disability pension is sought for and claim made, it must be affirmatively established as a fact as to whether the injury sustained was due to military service or was aggravated by military service.

12. Similarly, the Hon'ble Apex Court in the case of *Sukhwant Singh Vs Union of India & Ors*, (2012) 12 SCC 228 has again considered this point and held in Para 6 as under:-

"6. *In our view, the Tribunal has rightly summed up the legal position on the issue of entitlement of disability pension resulting from any injuries, etc. and it has correctly held that in both cases there was no causal connection between the*

*injuries suffered by the appellants and their service in the military and their cases were, therefore, clearly not covered by Regulation 173 of the Regulations. The view taken by the Tribunal is also supported by a recent decision of this Court in Union of India vs Jujhar Singh."*

13. To consider as to what acts are covered by the term 'duty' we may like to make reference to of Clause 12 of the Appendix II to the Entitlement Rules, 2008 which defines the word 'duty', which for sake of convenience is reproduced as under:

*"DUTY: 12. A person subject to the disciplinary code of the Armed Forces is on "duty":- (a) When performing an official task or a task, failure to do which would constitute an offence triable under the disciplinary code applicable to him.*

*(b) When moving from one place of duty to another place. of duty irrespective of the mode of movement.*

*(c) During the period of participation in recreation and other unit activities organised or permitted by Service Authorities and during the period of travelling in a body or singly by a prescribed or organised route.*

*Note:1*

*(a) Personnel of the Armed Forces participating in*

*(i) Local/national I international sports tournaments as member of service teams, or,*

*(ii) Mountaineering expeditions I gliding organised by service authorities, with the approval of Service Hqrs. will be deemed to be "on duty" for purposes of these rules.*

*(b) Personnel of the Armed Forces participating in the above named sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby in their individual capacity, will not be deemed to be „on duty" for purposes of these rules, even though*

*prior permission of the competent service authorities may have been obtained by them.*

*(c) Injuries sustained by the personnel of the Armed Forces in impromptu games and sports outside parade hours, which are organised by, or disability arising from such injuries, will continue to be regarded as having occurred while „on duty" for purposes of these rules.*

Note:2

*The personnel of the Armed Forces deputed for training at courses conducted by the Himalayan Mountaineering Institute, Darjeeling shall be treated on par with personnel attending other authorised professional courses or exercises for the Defence Services for the purpose of the grant of disability family pension on account of disability/death sustained during the courses.*

*(d) When proceeding from his leave station or returning to duty from his leave station, provided entitled to travel at public expenses i.e. on railway warrants, on concessional voucher, on cash TA (irrespective of whether railway warrant/cash TA is admitted for the whole journey or for a portion only), in government transport or when road mileage is paid/payable for the journey.*

*(e) When journeying by a reasonable route from one's quarter to and back from the appointed place of duty, under organised arrangements or by a private conveyance when a person is entitled to use service transport but that transport is not available.*

*(f) An accident which occurs when a man is not strictly on duty, as defined may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus for instance, where a person is killed or injured by another party by reason of belonging to the Armed Forces, he shall be deemed „on duty" at the relevant time. This benefit will be given more liberally to the claimant in cases occurring on active service as defined in the Army/Navy/Air Force Act."*

14. The co-ordinate Bench of the Armed Forces Tribunal, Regional Bench, Chandigarh in the case of *Baldev Singh Vs Union of India* O.A. No. 3690 of 2013 decided on 02.03.2016 has considered this question in great detail. It would be fruitful to reproduce Para-21:-

*"21. Recently, the Apex Court in Civil Appeal No.6583 of 2015 Union of India & others Versus Ex Naik Vijay Kumar, vide its judgment dated 26th August, 2015 has held that if the injury suffered or death caused to an individual, has no causal connection with the military service, it cannot be said that the said disability or death is attributable to military service. In the said judgment, the apex court has considered para 12 of the judgment given in another case Union of India and Another Vs. Ta/winder Singh (2012) 5 SCC 480 which is reproduced as below :*

*"12. A person claiming disability pension must be able to show a reasonable nexus between the act, omission or commission resulting in an injury to the person and the normal expected standard of duties and way of life expected from such person. As the military personnel sustained disability when he was on annual leave that too at his home town in a road accident, it could not be held that the injuries could be attributable to or aggravated by military service. Such a person would not be entitled to disability pension. This view stands fully fortified by the earlier judgment of this court in Ministry of Defence V. Ajit Singh, (2009) 7 SCC 328.*

15. In view of the aforesaid observations, we are of the considered opinion that the prayer seeking grant of disability element of pension is not sustainable.

16. However, with respect to the alternate prayer at Para 8(b) of the OA and the same made by the learned counsel for the applicant during the course of hearing, we find that it is admitted fact that the applicant was invalided out from DSC service, and thus, we find it pertinent to refer to Regulation 180 of Pension

Regulations for the Army, 2008, dealing with grant of Invalid Pension to the DSC personnel, and the same is reproduced herein:

***“INVALID PENSION AND ORDINARY FAMILY PENSION***

***180. When cause of invalidment from service or death of Defence Security Corps personnel is neither attributable to nor aggravated by Military Service, the invalid pension and ordinary family pension to his family shall be admissible under the same conditions and at the same rates as applicable to regular Army personnel under Chapter III of these Regulations.”***

17. It is clear from the aforesaid Regulation that the DSC personnel will be entitled to grant of invalid pension on the same terms as is admissible to regular Army personnel, and thus, we refer to Regulation 58 and 59 of the Chapter III of Pension Regulations for the Army, 2008, which is reproduced as under:

“

***CHAPTER - III***

***CASUALTY PENSIONARY AWARDS WHEN CAUSE OF INVALIDMENT FROM SERVICE OR DEATH IS NEITHER ATTRIBUTABLE TO NOR AGGRAVATED BY MILITARY SERVICE***

***SECTION – 1: Invalid Pension and Invalid Gratuity***

***WHEN ADMISSIBLE***

***58. (a) An invalid pension or invalid gratuity in accordance with the Regulations in this Section may be granted to Service personnel invalided out of service on account of a disability incurred in the circumstances mentioned in Category A of Regulation 82 of these Regulations.***

***(b) A low medical category personnel who is retired/discharged from service for want of alternative employment compatible with his low medical category shall also be eligible for invalid pension or invalid gratuity.***

***(c) Personnel below officer rank who is invalided out of service in consequence of any disorder (including sanity) resulting from indulgence in drugs or drinks which was within his control will be eligible for invalid pension/gratuity. Orders of the competent authority under Regulation 8 of these Regulations shall be obtained in each case.***

***MINIMUM QUALIFYING SERVICE***

***59. The minimum period of qualifying service actually rendered and required for invalid pension is 10 years or more. For less than 10 years' qualifying service, invalid gratuity shall be admissible."***

18. A cursory look at the Regulation 58(a) would reveal that the invalid pension may be granted to any personnel invalidated out from service on account of a disability which has been incurred under specific circumstances as have been enshrined in Category A of Regulation 82. Secondly, Regulation 58(b) clarifies that any personnel who have been retired or discharged on account of non-availability of alternative employment or a sheltered appointment, will be eligible for grant of invalid pension.

19. Regulation 58(c) specifies that any personnel below officer rank who has been invalidated out from service in consequence of any disorder (including sanity) will be entitled for grant of invalid pension. However, the conditions mandatory to be fulfilled for the same is that the said disorder (including sanity) shall have arisen as a result of the individual's indulgence in drugs or drinks, and the same must have been in his control if exercised diligently. Notwithstanding, orders of the competent authority are required under Regulation 8 for sanction of invalid pension/gratuity in such cases.

20. With respect to minimum service for grant of Invalid Pension, we find that the same has been adequately addressed by

Regulation 59 of Pension Regulations for the Army, 2008, which specifies that those individual with minimum 10 years of service will be entitled to 'Invalid Pension' and those with less than 10 years of service, will be entitled to 'Invalid Gratuity'.

21. Before addressing the issue of minimum service, at this moment for entitlement of Invalid Pension, we now refer to Regulation 82 of Pension Regulations for the Army, 2008, which reads to the effect:

***"CIRCUMSTANCE OF DEATH/DISABILITY ATTRIBUTABLE TO OR AGGRAVATED BY MILITARY SERVICE***

***82. For determining the pensionary benefits on death or disability which is attributable to or aggravated by Military service under different circumstance, the cases shall be broadly categorized as follows: -***

***Category A***

***Death or disability due to natural causes neither attributable to nor aggravated by military service as determined by the competent medical authorities. Examples would be ailments of nature of constitutional diseases as assessed by medical authorities, chronic ailments like heart and renal diseases, prolonged illness, accidents while not on duty.***

***Explanation : The cases of death or disability due to natural causes falling under Category A entitles ordinary family pension or invalid pension or invalid gratuity as the case may be."***

22. In line with Regulation 58(a) of the Pension Regulations for the Army, 2008, to be read with Regulation 82 of the aforesaid regulations, while referring to the casualties falling under Category A, we find that any death or disability which is neither attributable to nor aggravated by military service, will make a personnel entitled for grant of Invalid Pension, provided the same has been determined by the competent medical authorities and the disability(ies)/death(s) has happened due to natural causes.

23. Further explanation notes that ailments like heart and renal diseases, prolonged illness or for that matter accidents which happened when the service personnel was not on duty, as is the circumstances in the instant case, wherein the applicant met with an accident, not in performance of any duty, will entitled a service personnel for grant of invalid pension.

24. At this point, the limited restriction for such grant of invalid pension is the minimum service of 10 years, and as such the applicant served for only about 7 years in DSC. However, we note that in terms of the Ministry of Defence, Department of Ex-Servicemen Welfare Policy Letter no. 12(06)/2019/D(Pen/Pol) dated 16.07.2020, letter dated 16.07.2020, the grant of Invalid pension to Armed Forces Personnel with less than 10 years of qualifying service in cases where personnel are invalided out of service on account of any bodily or mental infirmity, even where it is Neither Attributable to Nor Aggravated by Military Service has been made admissible.

25. A simpler understanding of the aforesaid letter means that the mandatory bar of minimum 10 years of service has been removed by this Ministry of Defence, Department of Ex-Servicemen Welfare Policy Letter no. 12(06)/2019/D(Pen/Pol) dated 16.07.2020, which can be ascertained from the excerpts of the letter reproduced herein:

*Subject: Provision of Invalid Pension to Armed Forces Personnel before completion of 10 years of qualifying service-*

*Reg. Sir,*

*1. Government of India, Ministry of Personnel, Public Grievances & pensions, Department of Pension & Pensioners' Welfare vide their O.M 21/01/2016-P&PW(F) dated 12th February 2019 has provided that a Government servant, who retires from service on account of any bodily or mental infirmity which permanently incapacitates him from the service before completing qualifying service of ten years, may also be granted invalid pension subject to certain conditions. The provisions have been based on Government of India, Gazette Notification No. 21/1/2016-P&PW(F) dated 04.01.2019.*

*2. The Proposal to extend the provisions of Department of Pension & Pensioners Welfare O.M No. 21/01/2016 -P&OW(F) dated 12.02.2019 to Armed Forces personnel has been under consideration of this Ministry. The undersigned is directed to state that invalid Pension would henceforth also be admissible to Armed Forces Personnel with less than 10 years of qualifying service in cases where personnel are invalidated out of service on account of any bodily or mental infirmity which is Neither Attributable to Nor Aggravated by Military Service and which permanently incapacities them from military service as well as civil reemployment.*

*3. Pension Regulation of the Services will be amended in due course.*

*4. The provision of this letter shall apply to those Armed Forces Personnel were /are in service on or after 04.01.2019. The Cases in respect of personnel who were invalidated out from service before 04.01.2019 will not be re-opened.*

*5. All other terms and conditions shall remain unchanged.*

*6. This issues with the concurrence of Finance Division of this Ministry vide their U.O No. 10(08)/2016/FIN/PEN dated 29.06.2020.*

*7. Hindi version will follow*

26. A perusal of aforesaid policy letter shows that the invalid pension has been made admissible to the individuals invalidated out of service on medical grounds with two specific restrictions, first being, that where the said disability which permanently incapacitates the Armed Forces Personnel from military service as

well as from civil re-employment, and the second being, that the provisions of the said letter apply to Armed Forces Personnel who were/are in service on or after 04.01.2019.

27. In relation to the second restriction of cut off date as enshrined in Para 4 of the aforesaid policy letter, it is essential to observe that, in the case of ***Ex Recruit Chhote Lal Vs UOI & Ors.***, [OA 368/2021; Date of Decision: 11.03.2022], Regional Bench, Lucknow of this Tribunal, while quashing Para 4 of the aforesaid policy letter and declaring it unconstitutional, held, vide paragraphs-22 and 23 thereof to the effect:-

***“22. As per policy letter of Govt of India, Ministry of Def dated 16.07.2020, there is a cut off date for grant of invalid pension. As per para 4 of policy letter, "provision of this letter shall apply to those Armed Forces Personnel who were/ are in service on or after 04.01.2019". Para 4 of impugned policy letter dated 16.07.2020 is thus liable to be quashed being against principles of natural justice as such discrimination has been held to be ultra virus by the Hon'ble Apex Court because the introduction of such cut off date fails the test of reasonableness of classification prescribed by the Hon'ble Apex Court viz (i) that the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from those that are left out of the group, and (ii) that differentia must have a rational relation to the objects sought to be achieved by the statute in question”.***

***23. From the foregoing discussions, it may be concluded that the policy pertaining to invalid pension vide letter date 16.07.2020 will be applicable in the case of the applicant also as para 4 of the letter cannot discriminate against the petitioner based on a cut off date.”***

28. We find that the aforesaid judgement of Regional Bench, Lucknow finds its resonance in subsequent judgement of this

Bench of the Tribunal in *Lt AK Thapa(Released) Vs UOI & Ors.* [OA 2240/2019; Date of Decision: 07.07.2023], wherein it held that the Tribunal finds no reason to differ from the observations made by Regional Bench, Lucknow in *Ex Rect Chhote Lal* (supra) in relation to the aspect that the policy pertaining to invalid pension vide letter date 16.07.2020 cannot discriminate against the personnel of the Armed Forces based on a cut of date of having been in service on or after 04.01.2019.

29. With respect to the first restriction that the individual should be permanently unfit for military as well as civil reemployment as has been enshrined in Para 2 of the aforesaid policy letter, it has also been held by this Bench of the Tribunal in *Lt AK Thapa(Released)* (supra), that the requirement of the Armed Forces Personnel to be permanently incapacitated from civil reemployment **as well** (apart from permanent incapacitation from military service) for the grant of the Invalid pension in terms of the Govt. of India, Ministry of Defence letter no. 12(06)/2019/D(Pen/Pol) dated 16.07.2020, is wholly arbitrary and unconstitutional and violative of Article 14 and Article 16 of the Constitution of India and the said requirement has thus been set aside thereby.

30. It has been further brought to our notice that the cases wherein Regional Bench, Chandigarh of this Tribunal has allowed the grant of Invalid Pension, the same were assailed before

Hon'ble Punjab & Haryana High Court in Union Of India and Ors. Vs Ex AC/UT Ravinder Kaushik and Anr. [CWP 21064/2024] and Union of India and Ors. Vs Ex AC/UT Sandeep Kumar and Anr. [CWP 21052/2024], which has dismissed the aforesaid Writ Petitions vide its order dated 28.08.2024.

31. Keeping in view that the mandatory requirement of minimum 10 years service for grant of invalid pension has been dispensed with vide Govt. of India, Ministry of Defence letter No.12(06)/2019/D(Pen/Pol) dated 16.07.2020, and subsequently, the stand taken by this Tribunal in the case of Lt. A.K. Thapa (supra) vide its judgement dated 07.07.2023 and judgement dated 11.03.2022 in the case of Ex Rect Chhote Lal (supra), wherein the requirement of the Armed Forces Personnel to be permanently incapacitated from civil re-employment as well (apart from permanent incapacitation from military service) for the grant of the invalid pension in terms of the Govt.of India, Ministry of Defence letter No.12(06)/2019/D(Pen/Pol) dated 16.07.2020, and the cut-off date for applicability has been held to be wholly arbitrary and unconstitutional and violative of Article 14 and Article 16 of the Constitution of India and the said requirement has thus been set aside and the same has been affirmed by the Hon'ble Punjab and Haryana High Court vide its judgement dated 28.08.2024 in the case of Union of India and Others Vs. Ex AC UT Ravinder Kaushik and Anr (supra).

Therefore, in our considered view, the OA deserves to be allowed to the extent of the grant of invalid pension.

32. Accordingly, we direct the respondents to grant invalid pension to the applicant from the date of invalidment, i.e., 31.12.2019. However, the arrears shall be restricted to three years prior to the date of filing of OA (OA filed on: 01.02.2024) keeping in view the law laid down in the case of Union of India and others vs. Tarsem Singh [(2008) 8 SCC 648].

33. Accordingly, the respondents are directed to calculate, sanction and issue necessary PPO to the applicant within four months from the date of receipt of copy of this order failing which the applicant shall be entitled to interest @ 6% per annum till the date of payment.

34. No order as to costs.

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

Pronounced in open Court on this 30<sup>th</sup> day of January, 2025.

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON

(LT GEN C.P. MOHANTY)  
MEMBER (A)

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