

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

16.

OA 741/2026 WITH MA 1005/2026

Sigman Niranjana Singh (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Ramya Shivam Goyal, Advocate

CORAM

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

O R D E R
23.03.2026

Heard on the question of admission.

2. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

“A) Quash and set aside Impugned Order (Annex-A1) wherein Disability Pension was rejected by PCDA(P) which is contrary to the view taken by Hon'ble Apex Court in Ex-Sappir Mohinder Singh (Supra) and Rajumon T (Supra); and/or

B) To direct the respondents to grant disability pension along with the benefit of round off to 50%, with applicable interest in terms of Apex Court Order in Sukhvinder Singh (Supra); and/or

C) Consider granting at least invalid pension in terms of Law laid down by 03 Judge Bench of Hon'ble Supreme Court in UoI & Ors. Vs P.A. Thomas (Supra) and UoI vs Sinchetty Satyanarayan SLP(C) No.20868/2009 & CO-ORD bench Order in Cpl Abraham AJ (Supra), as applicant was invalidated out on medical ground after more than 12 years of service; and/or

D) To pass such further order or orders/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”

3. There being a delay of more than 5,454 days, i.e., more than 15 years, an application, i.e., MA 1005/2026 has been filed under Section 22(2) of the Armed Forces Tribunal Act, 2007, seeking condonation of delay.

4. As far as, the prayer made by the applicant for grant of disability pension is concerned, a perusal of the material available on record goes to show that the applicant was enrolled in the Indian Army on 16.01.1985. He served up to 30.04.1997 and after having served for 12 years, he was discharged from service as service no longer required on account of 04 Red Ink Entries entered and his habit of intoxication. He was discharged from service on disciplinary ground under Army Rule 13(3) Item III(v) as he would not make a desirable soldier.

5. Apart from the inordinate delay made by the applicant in the matter of claiming disability benefit, the issue is as to whether a person who has been discharged from service on disciplinary ground is entitled to disability pension. Except for contending that the applicant was suffering from certain disability when he was discharged from service, no medical evidence, certificate or documentary evidence is adduced by the applicant in support of his disability. Only a vague and volute statement is made that he was requiring psychiatric

evaluation. Neither in the pleadings nor in the documents filed, the applicant has indicated the nature of his disability nor is any material available to show that the disability is aggravated by or attributable to military service.

6. On the contrary, when he raised a claim for disability pension by an impugned order passed on 14.03.2011 it has been rejected on account of that he has been discharged on disciplinary ground under Army Rule 13(3) Item III(v) and he is not entitled to any disability pension. Even in the Service Book annexed by the applicant vide Annexure A-2, nowhere is there any mention of the applicant's disability or any ailment which he was suffering at the time of discharge. The Discharge Book only indicates that he has been discharged. As the applicant had only put in 12 years of service, he has not earned regular pension for which he has to work for 15 years. The issue is as to whether a person who has been discharged on disciplinary ground is entitled to disability pension has been considered by a Coordinate Bench of this Tribunal on 14.03.2024 in OA 324/2018, *Ex Gnr Suman Banerjee Vs. Union of India and Ors.* In that case the issue for consideration was as to whether a personnel discharge on the ground that he would be an undesirable soldier will be entitled to disability pension. The issue has been discussed in

detail by the Bench of this Tribunal and after analyzing various judgements of the Hon'ble Supreme Court and this Tribunal and in particular Para 41 of the Pension Regulations for the Army, 2008, which has been reproduced in Para 8 of the judgement in the case of *Ex Gnr Suman Banerjee* (supra) and after analyzing the provisions of Regulation 41(a) and also taking note of Appendix 'C' of IHQ MoD Letter dated 20.07.2006, it has been held by this Tribunal that a personnel who is discharged from service after being found to be an undesirable soldier is not entitled to grant of disability pension.

7. In view of the above on the ground that the applicant has been discharged on disciplinary ground and in view of the law laid down by the Coordinate Bench of this Tribunal in the case of *Ex Gnr Suman Banerjee* (supra), the applicant is not entitled to any disability pension. Therefore, the prayer for grant of disability pension stands rejected.

8. As far as, grant of Invalid Pension is concerned, the applicant is claiming the benefit of Invalid Pension on the basis of the judgements rendered by this Tribunal in the cases of *Ex Rect Chhote Lal* Vs. *Union of India & Ors.* (OA No.368/2021) and *Lt. A.K. Thapa* Vs. *Union of India & Ors.* (OA No.2240/2019). The issue with regard to Invalid Pension

as decided in the cases of *Ex Rect Chhote Lal* (supra) and *Lt. A.K. Thapa* (supra) is pending consideration before the Hon'ble Supreme Court in a SLP filed by the Union of India. The matter is being heard by the Hon'ble Supreme Court and we are informed that the matter is part heard and the hearing process is still going on.

9. In view of the above, for the present, we are not inclined to grant Invalid Pension to the applicant but depending upon the law as may be laid down by the Hon'ble Supreme Court in the cases of *Ex Rect Chhote Lal* (supra) and *Lt. A.K. Thapa* (supra), the applicant shall be at liberty to invoke the jurisdiction of this Tribunal again for the purpose of claiming Invalid Pension.

10. With the aforesaid, for the present, the OA stands disposed of.

11. In view of the above order passed, no order is necessary in MA 1005/2026.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

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OA 741/2026