

**CES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR
(THROUGH VIDEO CONFERENCING)**

OA 1130 of 2020

Tuesday, the 18th day of Jan, 2022

CORAM:

HON'BLE MR JUSTICE DHARAM CHAND CHAUDHARY, MEMBER (J)
HON'BLE VICE ADMIRAL HCS BISHT, MEMBER (A)

Bhagwan Prasad Shukla **Applicant**
(By Mr JP Sharma, Advocate)

Versus

Union of India and others **Respondents**
(By Mrs Sonia Sharma, Sr PC)

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ORDER

Justice Dharam Chand Chaudhary Member (J) Oral:

By means of this application, following reliefs have been sought to be granted :-

Direction to the respondents to condone the short fall of 01 year, 01 month and 24 days deficient in second pensionary service . i.e. 15 years as per para 47 of the Pension Regulations for the Army 2008 (Part-1) and grant 2nd service pension in DSC to the applicant wef 01.01.2020 on the basis of Hon'ble Supreme Court order dated 20.01.2015 in CA No. 9389 of 2014 (2015) 3 SCC 404) titled UOI & Another Vs. Surender Singh Parmar and the Larger Bench judgment of Principal Bench of this Tribunal dated 01.10.2019 passed in OA No. 1238 of 2016 titled Smt.Shama Kaur Vs. UOI & Ors along-with interest @ 10% p.a. till the payment is made..

2. In a nutshell, the facts of the case as per averments made in the application are that the applicant joined Army on 10.09.1980 and was discharged on 30.09.2004 after completion of term of his engagement. He was re-enrolled in DSC on 24.02.2006 and did not opt to count his former service and was discharged there from on 31.12.2019 on attaining the age of super-annuation after rendering 13 years and 10 months and 07 days service. The applicant made a representation to the authority concerned but of no avail, hence, this application for redressal of his grievances.

3. Heard the learned counsel for the parties and perused the record.
4. Learned counsel has submitted that the point in issue in this case is squarely covered in favour of the applicant by the judgement of *Hon'ble Supreme Court* rendered in ***Union of India & Another vs. Surinder Singh Parmar, Civil Appeal No.9389 of 2014, on January 20, 2015, [2015] 3 SCC 404.***
5. Learned Senior Panel Counsel representing the respondents/Union of India is also not averse to the submissions so made. Being so, there is no need to enter upon the controversy on merits and we propose to dispose of this application in the light of the submissions made hereinabove.

The Original Application is, accordingly, disposed of with a direction to the respondents to consider and decide the claim of the applicant in accordance with law laid down by the ***Hon'ble Supreme Court in Surinder Singh Parmar's case (supra)*** within a period of three months from the date of receipt of certified copy of this order by the learned Senior Panel Counsel/OIC Legal Cell and due and admissible monetary benefits, if any, be calculated and released within the same time, failing which together with interest @ 8% from the date of this order till realization. Liberty to the applicant to approach this Tribunal again against surviving grievances, if any.
7. Pending applications (s), if any, will also stand disposed of, accordingly.
8. No order so as to costs.

(HCS Bisht)
Member (A)
18th January, 2022
RR

(Dharam Chand Chaudhary)
Member (J)