

**ARMED FORCES TRIBUNAL, CHANDIGARH REGIONAL BENCH AT  
CHANDIMANDIR**

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OA 1560 of 2013

<b>Mehar Chand</b>	.....	<b>Petitioner(s)</b>
<b>Vs</b>		
<b>Union of India and others</b>	.....	<b>Respondent(s)</b>

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For the Petitioner (s) :	Mr CD Singh Guleria , Advocate
For the Respondent(s) :	Mr RN Sharma, CGC

**Coram: Justice Vinod Kumar Ahuja, Judicial Member.  
Lt Gen (Retd) HS Panag, Administrative Member.**

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**ORDER  
10.10.2013**

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Heard the learned counsel for the parties.

The petitioner claims for grant of pension of Naib Subedar having been granted to the rank of Honorary Naib Subedar after retirement and prior to 01-01-2006. Since in cases of such persons, entitlement is covered by judgment of this Tribunal, dated 08.02.2010 passed in **O.A. No. 42 of 2010, titled Virender Singh and others versus Union of India and others**, which has subsequently been followed by this Tribunal consistently, apart from the fact that it has been affirmed by Hon'ble the Supreme Court in Special Leave to Appeal (Civil) No. 36534 of 2010 ' Union of India & Ors. Vs. Virender Singh & Ors.'

Subsequently Hon'ble the Supreme Court did make observation in **C.A No. 5478, 5479 and 5480 of 2011, Union of India versus Sohan Lal Bawa**, vide order dated 07.07.2011, however, that judgment has also been read with the relevant Rule position by this Tribunal in judgment dated 21.10.2011 passed in bunch of cases led by **O.A No. 1327 of 2011, Raghbir Singh and others versus Union of India and others**, and it was held that the entitlement in such cases was not affected.

The learned counsel for the respondents has drawn our attention to the fact that the Union of India had filed **Review Petition (Civil) No. 365 of 2013** before the Hon'ble Apex Court seeking the review of the order dated 17<sup>th</sup> July 2011, passed in the case of **Union of India Vs Sohan Lal Bawa (supra)** and the said review petition has been dismissed by Hon'ble the Apex Court on 06-03-2013.

We have considered over the submission and we feel that the legal position as decided in **Virender Singh's case (supra)** and as clarified in **Raghbir Singh's case (supra)** remains unchanged.

A look at the judgment in **Virender Singh's** case does show that directions in general nature were issued and required to be complied with, within the timeframe, and despite that, the needful having not been done, the petition is allowed, for the same reasons, and granting the same relief.

Necessary verifications be made by respondents, and on actual aspect being verified, necessary calculations and actual payment be now made to the petitioner within a period of three months from the date of receipt of certified copy of this order by the learned counsel for the respondents.

Learned counsel for the respondents also stated that the arrears be restricted to six months or three years. We find that this aspect has been dealt with at length in bunch of petitions led by OA 3146 of 2013 being Baldev Singh Vs Union of India decided on 27.09.2013 and it was held that the petitioners were entitled to the benefits from 01.01.2006. Leave to Appeal to the Hon'ble Supreme Court was also granted in that case and similar leave is also granted in this case.

**(Justice Vinod Kumar Ahuja)**

**(Lt Gen (Retd) HS Panag)**

10.10.2013  
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Whether the judgment for reference is to be put on Internet? -Yes/No