

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A No. 35 OF 2013

THURSDAY, THE 4TH DAY OF APRIL, 2013/14TH CHAITHRA, 1935

CORAM:

HON'BLE MR. JUSTICE SHRIKANT TRIPATHI, MEMBER (J)
HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

APPLICANT:

P.KOCHUMMEN BABY, (NOW CHANGED THE NAME AS P.KOCHUMMEN BOBBY) S/O LATE KUNCHANDY KOCHUMMEN, SERVICE NO.234046, EX-SERGEANT – INSTRUMENT REPAIRER-I, (DISCHARGED FROM SEERVICE ON 21-12-74) (LAST WORKED AT INSTITUTE OF AVIATION MEDICINE, OFFICER COMMANDING UNIT) PUTHENVETIL HOUSE, ALAYAMON, KARUKONE P.O, KOLLAM DISTRICT, NOW RESIDING AT: 1120, BYRAN ST, ADDISON, ILLINOIS – 60101. U.S.A
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, ACHAMMA JOHNSON, AGED 42 YEARS, ACHERIMADATHIL, KONTHURUTHY ROAD, THEVARA, KOCHI – 682013.

BY ADV. SRI. PHILIP MATHEWS

versus

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF DEFENCE, NEW DELHI.
2. THE OFFICER COMMANDING, AIR FORCE RECORD OFFICE, NERW SECTION, SUBRATO PARK, NEW DELHI -10.
3. THE GROUP CAPTAIN, DIRECTOR III, NERW SECTION, SUBRATO PARK, NEW DELHI -10.
4. THE DIRECTOR, DIRECTORATE OF AIR VETERANS SUBRATO PARK, NEW DELHI -110010.
5. THE CHIEF RECORDS OFFICER, AIR FORCE RECORD OFFICE, NERW SECTION, SUBRATO PARK, NEW DELHI -10.
6. THE OFFICER COMMANDING, INSTITUTE OF AVIATION MEDICINE, BANGALURU – 17, KARNATAKA STATE.

O R D E R

Shrikant Tripathi, Member (J):

1. None is present for the applicant. We have perused the Original Application.

2. The applicant joined the Air Force on 23rd March 1961 and was discharged from service on 21st December 1974 and therefore he had rendered only 13 years 284 days service which was less than the requisite qualifying service to earn service pension. In this view of the matter, the applicant was not entitled to service pension in any way. The applicant seems to be aggrieved from the discharge on the ground that the Air Force did not inform him that he would not get pension if his request for discharge was accepted. In our view, the applicant had himself opted for discharge for moving to U.S.A, therefore, he could not be permitted to blame the Air Force in accepting his request. Once he was discharged on his own request, the length of service he had at that time, has to be taken as the basis to

determine as to whether he was entitled to service pension or not. The applicant cannot be permitted after about 39 year to contend that the respondents did not inform him that he had no pensionable service, while accepting his request for discharge.

3. Since the applicant had rendered less than 15 years service he was not entitled to pension, therefore, the Original Application has no merit and is dismissed summarily at the stage of admission.

4. There will be no order as to costs.

5. Issue copy of the order to both side.

Sd/-

Sd/-

LT.GEN.THOMAS MATHEW
MEMBER (A)

JUSTICE SHRIKANT TRIPATHI
MEMBER (J)

an

(true copy)

Prl.Pvt.Secretary