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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16302/2024**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. R. Venkat Prabhat and Mr.
Abhinav Goel, Advs. with
Major Anish Muralidhar.

versus

EX NK TA DEV BAHADUR THAPA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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26.11.2024

CM APPL. 68738/2024

1. Allowed, subject to all just exceptions.

W.P.(C) 16302/2024, CM APPL. 68737/2024

2. This petition has been filed challenging the Order dated 19.09.2023 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (in short, Tribunal') in Original Application (in short, 'OA') No. 429/2016 titled *Ex Nk (TA) Dev Bahadur Thapa versus Union of India and Ors.*

3. The learned Tribunal by the Impugned Order has allowed the OA filed by the respondent herein, by directing the petitioners herein to grant a second service pension to the respondent, who was re-



enrolled in the 127 Infantry Battalion (Territorial Army), Ecological, Garhwal Rifles.

4. The petitioners contend that according to the revised terms and conditions for Territorial Army Ecological Task Force Units, including 127 Battalion, it was specifically provided that the second pension, even after completion of 15 years of service, shall not be payable. The learned counsel for the petitioners submits that, therefore, the learned Tribunal has erred in granting the second service pension to the respondent herein in violation of the terms and conditions of the appointment.

5. Issue notice.

6. Upon taking steps by the petitioners, let notice be served upon the respondent through all permissible modes, returnable on 08th April, 2025.

7. Let a counter-affidavit be filed within a period of four weeks of receipt of service. Rejoinder thereto, if any, be filed within three weeks thereafter.

8. There shall be a stay on the operation of the Impugned Order till further orders.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 26, 2024/ss/sk/DG

Click here to check corrigendum, if any