

ITEM NO.22

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4787/2012

Ex. CPL BALDEV SINGH

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and office report)

Date : 06/01/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s) Mr. Shish Pal Laler, Adv.
Mr. Sonit Sinhmar, Adv.
Mr. Balbir Singh Gupta, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
Mr. Bimal Roy Jad, Adv.

Mr. B. V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the Signed Order.

(Rajni Mukhi)
Sr. P.A.

(Suman Jain)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4787 OF 2012

EX. CPL BALDEV SINGH

APPELLANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

These appeals have been preferred by the appellant against the order dated 16.12.2011 passed by the Armed Forces Tribunal, Chandigarh Regional Bench, at Chandimandir (hereinafter referred to as 'Tribunal') in O.A. No.1557 of 2011. By the impugned judgment, the Tribunal dismissed the Original Application preferred by the appellant for pension on the ground that he had not completed minimum qualifying service.

The learned counsel for the appellant submits that the appellant joined the Air Force on 12.11.1962 and was discharged after 10 years and 254 days of service for which he was entitled for pension under the scheme. It is further contended that in a similar case i.e. C.A. ...Dy. No.30894/2011 titled Surinder Kumar Verma Vs. Union of India & Ors., with similar facts, after a long delay, the relief was granted but arrears were restricted to a period of three years prior to the date of filing of the petition.

It is further submitted that the cause of action arises with each and every month if the pension is not paid.

From the impugned order dated 16th December, 2011, we find that the Tribunal had noticed that appellant had completed 9 years regular service plus 1 year and 254 days reserve service i.e. 10 years 254 days of service. It is also not in dispute that in a similar matter delay was not taken into consideration and the arrears were restricted to a period of three years prior to the

date of filing the petition. It is also accepted by the learned counsel appearing on behalf of the union of India.

For the reason aforesaid, we set aside the impugned order dated 16th December, 2011 and direct the respondents to pay the appellant pension but the arrears are restricted to a period of three years prior to the date of filing of petition before the Armed Force Tribunal.

The appeal is allowed with the aforesaid observations and directions.

.....J.
[SUDHANSU JYOTI MUKHOPADHAYA]

.....J.
[N.V. RAMANA]

NEW DELHI;
JANUARY 06, 2015