

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2013  
(D.No.6585/2012)

Union of India and others ..Appellants

versus

Paramjit Singh ..Respondent

O R D E R

Delay condoned.

This is an appeal for setting aside order dated 12.08.2010 passed by the Armed Forces Tribunal, Principal Bench in T.A. No. 520 of 2010, whereby it was held that cut off date cannot deprive the eligible persons of their right to receive disability pension.

Shri R.F. Nariman, learned Solicitor General pointed out that there is apparent conflict in the judgments of this Court in P.K. Kapur v. Union of India and others (2007) 9 SCC 425 and K.J.S.Buttar v. Union of India and another (2011) 11 SCC 429. He also placed before the Court order dated 24.05.2012 passed by another Bench of this Court which followed the judgment in P.K.Kapur's case without noticing the subsequent judgment in K.J.S. Buttar v. Union of India.

Ordinarily, we would have referred the matter to a larger Bench, but keeping in view the fact that the amount payable to the respondent is not very large, we do not consider it necessary to do so.

The appeal is accordingly dismissed leaving the question of law open to be decided in an appropriate case.

.....J.  
[G.S. SINGHVI]

NEW DELHI; .....J.

