

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.38701/2025

[Arising out of impugned final judgment and order dated 11-12-2024 in WP(C) No.17139/2024 passed by the High Court of Delhi at New Delhi]

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

NO. 40634Z AK THAPA

Respondent(s)

IA No. 181872/2025 - CONDONATION OF DELAY IN FILING

IA No. 181873/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 08-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr. Adv.
Radhika Misra, Adv.
Shreya Jain, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Nithin Pavuluri, Adv.
Ms. Shreya Jain, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Yashraj Bundela, Adv.

For Respondent(s) : Mr. Anand Shankar Jha, AOR
Mr. Abhilekh Tiwari, Adv.
Mr. Sachin Mintri, Adv.
Ms. Nandika Kaushik, Adv.

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

1. Delay condoned.
2. The contention of learned counsel for the petitioners is that the tribunal had committed an error by conferring the benefit available under Ministry of Defence letter dated 16.07.2020 to the respondent as its benefit would be available to those who are

either retired or declared invalid, post the date of the letter whereas, the respondent was released from service way back in the year 1982 when, admittedly, invalid pension was available only to those who had rendered ten years of service. It is the case of the petitioners that the respondent was enrolled in service in the year 1977 and was released in the year 1982 and, therefore, was not entitled to invalid pension as he had not completed ten years of service. It has also been submitted that the claim before the tribunal was submitted in the year 2019 after nearly 37 years of being out of service. In such circumstances, according to the learned counsel for the petitioners, the order passed by the tribunal is not sustainable in law.

3. Issue notice, returnable on 23.09.2025.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(SAPNA BANSAL)
COURT MASTER (NSH)