

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). _____ OF 2023
[Diary No. 576/2023]

UNION OF INDIA & ORS.

APPELLANTS

VERSUS

Ex L/Nk YENUMULA SIVARAMAYYA S NO. 1156566L

RESPONDENT

O R D E R

Leave to appeal is granted.

There is a delay of 1345 days in filing the present appeal(s). It is stated that the appellant(s) had filed an application for review, which was dismissed on the ground of delay. Thereafter, they filed an application for leave to appeal, which was also dismissed. As the delay is substantial and not explained we are not inclined to condone the delay.

Moreover, we find that there is hardly any justification for the appellants to prefer the present appeal(s). The quantum of amount involved is less than Rs.30,000/- (Rupees thirty thousand only), as the Armed Force Tribunal, Regional Bench, Chennai at Circuit Bench, Hyderabad has directed enhancement of pension payable to the Respondent, who had served for more than 15 years, from Rs.3,500/- (Rupees three thousand five hundred only) per month to Rs.4,443/- (Rupees four thousand four hundred forty three only)

per month for the period from 01.07.2014 to 01.01.2016. It is accepted that after 01.01.2016, the pension payable is Rs.9,000/- (Rupees nine thousand only) per month.

Recording the aforesaid, we dismiss the application for condonation of delay and consequently, the civil appeal(s) is dismissed.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

New Delhi;
February 13, 2023.

ITEM NO.20

COURT NO.7

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 Diary No. 576/2023

(Arising out of impugned final judgment and order dated 29-01-2019 in OA No. 156/2017 21-09-2021 in RA No. 4/2021 passed by the Armed Forces Tribunal)

UNION OF INDIA & ORS.

APPELLANTS

VERSUS

Ex L/Nk YENUMULA SIVARAMAYYA S NO. 1156566L

RESPONDENT

(IA No.21825/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.21824/2023-EX-PARTE STAY and IA No.21821/2023-CONDONATION OF DELAY IN FILING APPEAL and IA No.21822/2023-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES TRIBUNAL ACT, 2007)

Date : 13-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Ms. Madhavi Goradia Divan, A.S.G.
Mr. Arvind Kumar Sharma, AOR
Ms. Chinmayee Chandra, Adv.
Ms. Vimla Sinha, Adv.
Mr. Shiv Mangal Sharma, Adv.
Mr. Aditya Giri, Adv.

For Respondent(s)

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

Leave to appeal is granted.

In terms of the signed order, I.A. No. 21821/2023 for condonation of delay in filing appeal is dismissed and consequently, the civil appeal(s) is dismissed.

(DEEPAK GUGLANI)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(signed order is placed on the file)