

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1647/2025
CM No. 3797/2025

Union of India and ors.

.....Appellant(s)/Petitioner(s)

Through :- Mr. Suneel Malhotra, CGSC

v/s

Amreek Singh

.....Respondent(s)

Through :- Mr. S. K. Saini, Advocate with
Mr. Amit Singh, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

09.09.2025

Sanjeev Kumar J

1. Impugned in this petition filed by the Union of India and others under Article 226 of the Constitution of India is an order and judgment dated 18.04.2023 passed by the Armed Forces Tribunal Regional Bench Srinagar at Jammu [**“the Tribunal”**] in OA No. 450/2019 titled, *‘Amrik Singh vs. Union of India & Ors.’*, whereby the Tribunal has, while allowing the OA filed by the respondent, held him entitled to get second service pension for the services rendered by him in 132 Infantry Battalion (Ecological), Territorial Army as well in addition to his first pension which he is already getting from the Army.
2. Briefly stated the relevant facts necessary for adjudication of this petition are that the respondent who was enrolled in the Indian Army on 19.12.1980 was discharged from service upon completion

of his term on 31.12.1997 and was given service pension post his retirement from the Indian Army. The respondent was re-enrolled in 132 Infantry Battalion (Ecological) Territorial Army on 12.12.2000 and was discharged after rendering services after 15 years and 04 days on 30.04.2017. The respondent approached the petitioners for grant of second service pension, which was rejected by the petitioners vide letter dated 18.12.2018. Feeling aggrieved, the respondent approached the Tribunal through the medium of OA No. 450/2019, which has been disposed of by the Tribunal in terms of the judgment impugned in this petition.

3. The impugned judgment is assailed by the petitioners primarily on the ground that the learned Tribunal has failed to appreciate that as per Para '12' of the Additional Directorate General of Territorial Army's letter No. 38974/GS/TA-3(a) dated 12.11.1982, the respondent was not entitled to second pension having been in receipt of the service pension from his previous service in the Army.
4. **Having heard learned counsel for the parties and perused the material on record**, we are of the considered opinion that the judgment impugned is correct and therefore cannot be interfered with by us in these proceedings.
5. The issue raised in the petition is covered by Regulation 182 of the Pension Regulations for the Army, 2008 (Part '1') which corresponds to Regulation 292 of the Pension Regulations for the

Army, 1961 (Part '1'). The relevant regulation for facility of reference is reproduced hereunder:-

“Extent of Application

182. The grant of pensionary awards to the service personnel shall be governed by the same general Regulations as are applicable to the corresponding personnel of the Army except where they are inconsistent with the provisions of Regulations in this chapter. These Regulations shall not apply to those who are-

(i) Civil Government servants holding permanent appointments and

(ii) Retired Civil Government servant.”

6. From plain reading of the regulation 182, it is evident that the service personnel of Territorial Army are also governed by the same general pensionary Regulations as are applicable to the corresponding personnel of the Army except where they are inconsistent with the provisions of the Regulations contained in Chapter IX of the Army Regulations of 2008.
7. In view of the clear stipulation in Regulation 182, it is no longer available to the petitioners to argue that the personnel serving in the Territorial Army are not entitled to service pension that too on the ground that they are already in receipt of one service pension having served in the Army in the first stint. The issue, as to whether the administrative/executive instructions issued by the Indian Army/Territorial Army can supplant the statutory/pension Regulations was considered by the Hon'ble Supreme Court in case titled, '*Pani Ram vs. Union of India & Ors.*' AIR 2022 Supreme Court 182 and it was authoritatively held that in case of any conflict of internal communications between the two organs of the State and the Statutory Rules and Regulations, it is the Statutory Rules and Regulations that will prevail. That apart it is a trite law that

executive instructions/administrative orders can be issued to supplement Statutory Rules but cannot supplant them and in case of any conflict between two, Statutory Regulations would prevail.

8. For the foregoing reasons, we do not find any merit in this petition. The same is, accordingly, **dismissed**.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
09.09.2025
Neha-II

Whether the order is speaking:

Yes/No

Whether the order is reportable:

Yes/No

