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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11710 OF 2026

Union Of India and Anr.

...Petitioners

Versus

Ex 229835 Corporal M.A. Inamdar

...Respondent

...

Adv. Anamika Malhotra, a/w Adv. Khushi Dhamdhare, for the
Petitioners.

...

**CORAM : MAHESH CHANDRA TRIPATHI, C.J. &
ADVAIT M. SETHNA, J.**

DATE : 17th SEPTEMBER, 2026.

P.C.:

1. The instant Writ Petition has been preferred under Article 226 of the Constitution of India, for the following substantive relief:

“b) This Hon’ble court may be pleased to issue a writ of certiorari or anyother appropriate writ and order or direction in the like nature, thereby quashing and setting aside the impugned judgment dated 16th April 2025 passed by the Armed Forces Tribunal, Mumbai Bench in Original Application No.60/2022.”

2. Before dealing with the challenge raised by the Petitioners, it would be apposite to briefly mention that the present Respondent, who was the Original Applicant before the Armed Forces Tribunal, Mumbai (“**Tribunal**”), had preferred Original Application No. 60 of 2022 under Section 14 of the Armed Forces Tribunal Act, 2007. Such Application was filed, *inter alia*, for the grant of pension on

the basis that he had completed 15 years of service, comprising 9 years of regular active service and 6 years of reserved service.

3. The record would indicate that at the final stage of hearing before the Tribunal, learned counsel appearing for the Original Applicant/present Respondent confined and limited the prayer to the grant of special pension, which the Tribunal was confronted with for determination.

4. Thereafter, the Tribunal passed the Judgment dated 16th April 2025 (***“Impugned Judgment”***), which is assailed in this Writ Petition.

5. Ms. Anamika Malhotra, learned Counsel for the Petitioners has submitted that the Impugned Judgment erroneously holds that the Respondent, having regard to Regulation 144 of the Pension Regulations for the Air Force, 1961 (***“Pension Regulations”***), is entitled to special pension, directing the Department/Respondent therein to grant the same to the Respondent along with arrears. Such Order is contrary to the statutory provisions as applicable and therefore deserves to be set aside. Accordingly, the Petition be Allowed.

6. We have heard Ms. Malhotra and with her assistance, perused the record. At the very outset, we find that the case of the Respondent is to the effect that he is entitled to the grant of special

pension in accordance with Regulation 144 of Pension Regulations.

7. Contextually, it would be apposite to refer to Regulation 144 of Pension Regulations, which reads thus:

“144. Special pension or gratuity may be granted, at the discretion of the President, to individuals who are not transferred to the reserve and are discharged in large numbers in pursuance of Government’s policy--

*(a) of reducing the strength of establishment of the Air Force;
or*

(b) of re-organisation, which results in disbandment of any units/formations.”

Upon perusal of the said regulation, evidently, it would apply to the given factual matrix. We do not find any material on record placed by the Petitioners to controvert such position. It is thus clear that the grant of special pension to the Respondent would be governed by the above provision.

8. Also, from the Impugned Judgment of the Tribunal, it is apparent that the Tribunal has proceeded, *inter alia*, by relying on the decision of the Supreme Court in **T.S. Das & Ors. v. Union of India & Anr¹**. The Supreme Court therein was confronted with a similar factual situation. Considering the same, the grant of special pension was confirmed to sailors who were not transferred to the Reserve and were discharged from service pursuant to the extant government policy. We find the said decision to be clearly applicable in the given facts, more particularly in light of Regulation 144 of

¹. 2016 SCC Online SC 1240.

Pension Regulations which is akin to Regulation 95 of Navy (Pension) Regulations, 1964, in consideration before the Supreme Court.

9. The Tribunal has placed reliance on the decision of the Principal Bench of the Tribunal in **Cpl. Kandasamy T. v. Union of India & Ors**². In this case, the claim for special pension was considered in the context of the Applicant therein having completed the requisite period of regular service but not having been transferred to the Reserve. The Principal Bench of Tribunal relying on the decision in **T.S. Das** (supra) held that the Applicant therein was entitled to grant of special pension.

10. In the above context, a specific query was put to the learned counsel for the Petitioners as to whether the aforesaid judgment relied upon by the Tribunal, in the Impugned Judgment continues to hold the field. Learned counsel for the Petitioners has answered the said query in the positive.

11. We may gainfully refer to another decision of the Supreme Court in **Deokinandan Prasad v. State of Bihar**³. In the said case, the Supreme Court duly recognised pension as a right and as having the character of property, and held that such right could not be taken away by executive action in an arbitrary manner.

². OA No. 1049 of 2019 with MA No. 1725 of 2019 decided on 12th May 2022.

³. 1971 (2) SCC 330.

12. We find that the Tribunal has also considered the decision in of the Principal Bench of the Tribunal in **Sadashiv Haribhau Nargund and Others v. Union of India**⁴, which was pressed into service by the Respondent in support of his case. In the said case, the contention of the Respondents therein that the Petitioners were disentitled to pension on account of the manner of termination of their service was rejected, *inter alia*, on the principle of promissory estoppel. It was observed that the Petitioners therein had altered their position in reliance upon the representation made by the Government, regarding the terms of service and pensionary benefits.

13. In the present case, the Applicant's discharge was specifically recorded as being with effect from 4th April 1971 under the clause “**On completion of regular engagement**” after completion of 10 years and 190 days of regular qualifying service. There is nothing on record to indicate that the Respondent had sought or opted for such discharge. Further, it is undisputed that he was not transferred to the Air Force Reserve. The Tribunal, therefore, found the conditions for consideration of special pension to be satisfied.

14. As far as the issue of delay and laches is concerned, the Respondent was in fact, unilaterally discharged from service by the Petitioners without him opting out from service. Accordingly, the

⁴. T.A. No. 564 of 2010 (W.P. No. 6458 of 2009) decided on 12th January 2011.

Respondent is entitled to the grant of special pension as held by the Supreme Court in **T.S. Das** (supra). In any event, the settled legal position that grant of pension constitutes a continuing cause of action is not disputed. Moreover, in the given facts and circumstances, the claim of the Respondent for the grant of special pension does not stand extinguished, nor can the doors be shut at him in this regard, particularly, when the requirement/criteria for the same are otherwise satisfied.

15. In view of the above, we find that the decisions discussed (supra) would squarely apply to the given facts and we see no reason/justification to take a different view by departing therefrom. Accordingly, in our considered view, the Respondent is entitled to special pension, as rightly held by the Tribunal. The Impugned Judgment of the Tribunal, therefore, deserves no interference.

16. For the above reasons, the Writ Petition fails and is, accordingly Dismissed.

17. All concerned to act on an authenticated copy of this Order.

[ADVAIT M. SETHNA, J.]

[CHIEF JUSTICE]