

**244 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
CWP No.5667 of 2019 (O&M)
Date of Decision: January 21, 2020**

Justice Mahavir S. Chauhan (Retired) Petitioner

Versus

Union of India and others Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Navdeep Singh, Advocate for the petitioner.
Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Rajnesh Kumar Shelly, Advocate for the respondent-UIO.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the claim of the petitioner is for the release of benefits, which the petitioner was entitled for being a member of the Armed Forces Tribunal. The claim of the petitioner is that the benefits admissible to him were liable to be computed under the Armed Forces Tribunal (Salaries, Allowances and Conditions of Service of Chairperson and Members) Rules, 2009 [hereinafter referred as '2009 Rules'].

Respondents contested the claim of the petitioner on the ground that the grant of the benefits to the petitioner is to be considered under the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017 [hereinafter referred as '2017 Rules'] and the petitioner is not entitled for the computation of the benefits under '2009 Rules'.

Learned counsel for the respondents very fairly admits that keeping in view the order passed by Hon'ble the Supreme Court of India in SLP (Civil) No.15804 of 2017, titled as ***“Rojer Mathew vs South Indian Bank Ltd. And others”*** on 13.11.2019, '2017 Rules' have already been struck down and are no longer applicable, hence, the claim of the petitioner for the grant of benefits as member of Armed Forces Tribunal will now be considered under '2009 Rules' as being claimed by the petitioner.

Learned counsel for the respondents states that the appropriate order, releasing the benefits to the petitioner in term of '2009 Rules', will be passed within a period of three months from the date of receipt of certified copy of this order and the amount/benefits for which the petitioner is found entitled under '2009 Rules' will be released within a period of one month thereafter.

Learned counsel for the petitioner states that keeping in view the fair statement given by learned counsel for the respondents, he does not press this petition any further and the same may be disposed of.

The present writ petition is disposed of as having been not pressed. The respondents will be bound by their undertaking as recorded above.

Learned counsel for the petitioner states that some other similarly situated members have also not been released the benefits under '2009 Rules' and a direction be issued to grant the said benefits to the other members as well.

Once, the law is clear, and 2017 Rules have already been set aside, being a welfare Government, it is expected that members of the Armed Forces Tribunal, who are similarly situated as the petitioner, will also be extended the benefit of considering their entitlement under '2009 Rules' without forcing them to approach this Court, in case, any such claim/grievance is raised by them before the respondents.

(HARSIMRAN SINGH SETHI)
JUDGE

January 21, 2020

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Whether speaking/reasoned

Yes

Whether reportable

No