



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 2784/2024

IN

WRIT PETITION NO. 8412/2023

**Col. Ivan Singh (Retd.) s/o Late Shri Kanwar Shamsher Singh Vs. Union of India,
Through Secretary Ministry of Defence, Government of India & others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.M. Sudame, Advocate for Petitioner

Mr. N. S. Deshpande, DSGI for respondent / Union of India

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 17th OCTOBER, 2024

1. Civil Application (CAW) No. 2784/2024 is by the respondent no.1 seeking review of the order dated 02.09.2024, which holds, that the remedy of filing of Original Application under Section 14 of the Armed Forces Tribunal Act (In short, "the AFT Act" hereinafter) is not available to the petitioner. The review is sought on two grounds, (1) That the definition of service matter as contained in Section 3(O) of the AFT Act in Clause (i) confers jurisdiction regarding the matters relating to pension upon the AFT and (2) That since the relief under the Pension Regulations for the Army is being claimed, the same can only be done before the AFT.

2. Insofar as the second ground is concerned, the same is already dealt with by the judgment of the Hon'ble Supreme Court in the case of **Santosh Devi Vs. Union of India and others, (2016) 13 SCC 92**, in which it has been held, that grant of pension to personnel of territorial army is governed by the same general Pension Regulations as applicable to regular army personnel, except where it is dealt differently in the regulations. In that view of the matter, the ground is no longer available.

3. Insofar as the first ground is concerned, though Section 3(O)(i) empowers the Armed Forces Tribunal to decide claims of the pension, however, Section 2 of the AFT Act indicates, that it is to apply to retired personnel subject to the Army Act, 1950. We have already in our order dated 02.09.2024, indicated the reasons why we have held that the Army Act is not applicable to the petitioner, in view of which, we do not see any ground for review. The application is therefore, rejected.

4. List the petition after Diwali Vacation for consideration on merits.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)