



Rev.Appl.No.173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Rev.Appl. (Writ) No.173 of 2024

Poyyeri Muthu Swamy Rama Swamy
Ex Cpl (No.248223)
No.85A, North Street,
High School Road,
Paramathivelur PO,
Namakkal, Tamil Nadu – 638 182.

... Petitioner

Vs.

- 1.Union of India,
Represented by the Defence Secretary,
Ministry of Defence, South Block,
DHQ Post, New Delhi – 110 011.
- 2.The Chief of the Air Staff,
Air Force HQs, Vayu Bhavan,
DHQ Post, New Delhi – 110 011.
- 3.The Director, Dte of Air Veterans,
The Air Force Pension & Welfare (SP) Air Force Record Office,
Subroto Park, New Delhi – 110 010.



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4.The PCDA (Pension),
Draupathighat, Allahabad,
UP 211014.

... Respondents

Prayer : Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure to review the order dated 05.04.2024 made in W.P.No.30696 of 2023 on the file of this Court.

For Petitioner : Mr.T.Damodaran
For R1 to R4 : Mr.C.Kulanthaivel
Senior Panel Counsel

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This Review Application is directed against the order of this Court dated 05.04.2024 dismissing the writ petition filed by the review petitioner to quash the order of the Armed Forces Tribunal in O.A.No.81 of 2022 and to grant the petitioner Reservist Special Pension from the date of discharge from Air Force, i.e., on 21.10.1973, with all arrears and interest till the date of payment.



WEB COPY 2.This Court dismissed the writ petition holding that there is no merit.

This Court, while holding that the petitioner is not entitled to Reservist Special Pension for the same reason given by the Tribunal, has also held that the petitioner, who was discharged from service on 21.10.1973, cannot maintain the writ petition after an inordinate delay of 48 years. In the absence of a valid explanation for the huge delay of 48 years, this Court dismissed the writ petition after recording a reason that the unexplained delay is likely to cause serious prejudice to the respondents.

3.Learned counsel appearing for the petitioner submitted that there are some discrepancies between the statements in the affidavit filed by the respondent. Since the petitioner has come forward with a stale claim after 48 years, this Court is of the view that such discrepancies cannot be avoided, as the respondents have specifically stated that they are not holding any records to consider the petitioner's claim after this length of time. Since the delay is inordinate and in the absence of any valid explanation, this Court cannot entertain the writ petition or this Review Application which



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would certainly cause serious prejudice to the respondents. Therefore, this

Review Application is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
04.12.2024

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

To

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Ministry of Defence, South Block,
DHQ Post, New Delhi – 110 011.
- 2.The Chief of the Air Staff,
Air Force Hqs, Vayu Bhavan,
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