



2024:DHC:9887-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 20.12.2024***

+ W.P.(C) 17217/2024

EX JWO NETRA PAL SINGH

.....Petitioner

Through: Mr. Ajit Kumar Kakkar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ripudaman Bhardwaj,
CGSC with Mr. Kushagra
Kumar, Mr. Abhinav Bhardwaj
and Mr. Rishabh Dubey, Advs.
Mr. Rajnish Kumar Gaiind,
Adv.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner challenging the Order dated 13.09.2024 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in the Original Application (OA) 3561/2024 titled ***Ex JWO Netra Pal Singh v. Union of India and Ors.***

2. The petitioner is aggrieved of the fact that the learned Tribunal, taking note of our *interim* Order dated 23.07.2024 passed in W.P.(C) 6815/2024 titled ***Union of India & Ors. v. Hav D Srinivasa Rao, Retd.,*** has restricted the relief of grant of arrears of the revised pension



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to the petitioner only to the period of commencing from three years prior to the date of institution of the OA before it.

3. The petitioner had filed the OA before the learned Tribunal contending therein that he had enrolled in the Indian Air Force on 02.02.1982 and was promoted to the rank of Junior Warrant Officer (JWO) on 01.02.2002. He was discharged from service on 28.02.2002, on completion of his terms and conditions. The respondents, however, determined his pension without taking into account his promotion to JWO, only on the ground that he had not completed 10 months of service in the said post.

4. Aggrieved thereof, the petitioner filed the OA 3561/2024 before the learned Tribunal only on 08.08.2024, that is, after a period of more than 22 years of his date of discharge.

5. The learned Tribunal by its Impugned Order dated 13.09.2024, condoned the delay of 8201 days in filing of the OA, relying upon the Judgment of the Supreme Court in ***Union of India and Others v. Tarsem Singh***, (2008) 8 SCC 648. The very same Judgment of the Supreme Court further goes on to say as under:-

“6. In this case, the delay of 16 years would affect the consequential claim for arrears. The High Court was not justified in directing payment of arrears relating to 16 years, and that too with interest. It ought to have restricted the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser. It ought not to have granted interest on arrears in such circumstances.”

6. In view of the above, no infirmity can be found in the direction of the learned Tribunal whereby the relief of grant of arrears of the revised pension to the petitioner has been confined to a period



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commencing from three years prior to the date of filing of the OA.

7. We, therefore, find no merit in the present petition. The same is accordingly dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 20, 2024/ss/sk/SJ

Click here to check corrigendum, if any