



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.1117 of 2025
Date of Decision: 17.01.2025**

Union of India & others

...Petitioners

Versus

Service No.241604 Ex. Corporal Devinder Singh & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Ramesh Chand Sharma, Senior Panel
counsel for the petitioners-UOI.

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SANJEEV PRAKASH SHARMA J.(Oral)

The challenge is to the order passed by the Armed Forces Tribunal (for short, 'AFT') whereby the AFT granted the benefit of total 15 years of service to respondent No.1, who was forcefully discharged from service after putting nine years of engagement as available to Indian Air Force Corporal. Apart from 09 years service in colour, he was also entitled to six years reserved service but the Authority at that time did not transfer him to reserve service for reasons best known to them. Resultantly, the concerned official did not get his service pension as qualifying service of 15 years is required including the reserve service for the purpose of grant of pension. The AFT, having taken into consideration all the aspects, directed to give the benefit of the six years reserve service notionally and entitled him to pension arrears were restricted to three years before the date of filing of



OA. The Union of India is challenging the said order on ground of delay and latches.

2. We have affirmed that the Armed Forces Personnel had no window available to them to take up their grievances in any court of law prior to the constitution of the AFT and in fact as disabled soldiers, they would at best submit representation to the authorities. In this case too, the concerned applicant had made representation to the authorities which remained unanswered and ultimately he approached the AFT. The delay therefore has to be ignored. Moreover, we find that the grievance of not receiving pension is a recurring cause of action. The relief has been limited to 03 years alone.

3. In the circumstances, considering the facts as noticed above, we do not find any reason to interfere with the order passed by the AFT which is justified both on law as well as equity.

4. Dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 17, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*

