



**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-8984-2026

Date of Decision : 24-03-2026

UNION OF INDIA AND OHERSPetitioner(s)

VERSUS

EX NK ASHOK KUMAR AND ANOTHERRespondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Ms. Krishna Dayama, Senior Panel Counsel
for the petitioners-Union of India. (*joined through V.C.*)

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the order dated 18.07.2024 (Annexure P-1), passed by respondent No.2 – The Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as ‘the Tribunal’), by which, directions were given to the Union of India (petitioners herein) to grant benefit of service pension to respondent No.1 by considering his service as 15 complete years by condoning shortfall of 6 months and 24 days in qualifying service period for grant of benefit of service pension as per the judgment in Original Application No.664 of 2023, which judgment has also been implemented.

2. Learned counsel for the petitioners submits that when the said judgment was relied upon at a later point of time by the Hon’ble Delhi High Court, on an appeal preferred by the Union of India against the order passed by the Hon’ble Delhi High Court, an interim order has been granted and therefore, till the decision of the Hon’ble Supreme Court of India in SLP (C) No.27725-2024 is passed and attains finality, the operation of the impugned order passed by the Tribunal granting the relief of condonation of shortfall in

qualifying service period to the respondent may kindly be stayed.

3. We have heard the learned counsel for the petitioners and have gone through the record with her able assistance.

4. It is a conceded fact that husband of the respondent enrolled in Indian Army on 10.08.1983 and was discharged on 31.08.2007 after completing 24 years of service thereafter he was re-enrolled in Defence Security Corps (DSC) for second service on 25.06.2008 and was discharged from DSC on 30.09.2022 after rendering 14 years and 05 months and 06 days having shortfall of 06 months and 24 days to qualify the term of 15 years for the grant of service pension qua service rendered in DSC.

5. The issue which has been raised is whether, the benefit of condonation of shortfall in qualifying service to the extent of 06 months and 24 days so as to make the respondent eligible for the grant of second service pension can be granted in favour of an officer, who retired prior to the completion of 15 years of mandatory service which is a condition precedent for grant of such benefit. The prayer of the petitioners is that the respondent is claiming the benefit of second pension for the service he rendered in the Defense Security Corps (DSC) wherein, 15 years of service, completion of which service period is a condition precedent for grant of second service pension was not fulfilled hence, the prayer raised be accepted and relief sought by respondent be denied.

6. It may be noticed that the said issue came up for consideration before the Principal Bench of the Armed Force Tribunal in *Shama Kaur's case (supra)*, wherein the benefit of condonation of the shortfall in completion of qualifying service period upto 12 months was allowed, which judgment has already attained finality and the same benefit had been

extended in *Shama Kaur's case (supra)* and even the learned counsel for the petitioners has conceded the fact that the issue raised in the present petition was decided in favour of respondent No.1 on the basis of the judgment in *Shama Kaur's case (supra)*, wherein the similar relief had already been granted and which judgment has already attained finality upto Hon'ble Supreme Court of India and the said judgment stands implemented. Further, the Coordinate Bench of this Court while deciding CWP-8886-2025 decided on 24.04.2025 titled *Union of India and others vs. Ex. Naik Kuldeep Singh*, after noticing the said fact, have decided the claim based upon *Shama Kaur's case (supra)*, wherein also, the fact that the same was covered by *Shama Kaur's case (supra)*, could not be rebutted.

7. As for the argument raised by the learned counsel for the petitioners that operation of judgment passed by the Delhi High Court, granting benefit of condonation in qualifying service, by relying upon judgment in *Shama Kaur's case (supra)*, has been stayed, it should be noted that the decision of the Hon'ble Supreme Court of India in *Union of India vs. Balakrishnan Mullikote*, attached with SLP (C) No.27725-2024, attained finality whereby the Hon'ble Supreme Court of India has allowed the benefit of condonation in qualifying service even upto a period of 01 year and 03 months by taking into consideration all the rules and regulations governing said aspect and the law already settled qua said issue. Once, the Hon'ble Supreme Court of India has granted the benefit of condonation in qualifying service upto 01 year and 03 months, which judgment has now attained finality after taking the same into consideration, the occasion of

denying the benefit to respondent No.1 does not arise as he only needed 05 months and 24 days condonation to be eligible for the grant of pension.

8. Keeping in view the totality of the circumstances as well as the settled principle of law as noticed hereinbefore, as it has not been shown that the order dated 18.05.2023 (Annexure P-1) passed by the Tribunal is perverse either to the facts on record or settled principle of law, no interference at the hands of this Court is needed.

9. The present writ petition is dismissed.

10. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24-03-2026
Sapna Goyal

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No