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# OA 216 of 2024

#### Friday, the 01<sup>st</sup> day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### **Suresh Kumar**

Applicant

Respondents

(By Suraj Mal Kundu, Advocate)

#### Union of India and others

Versus

. . . . . .

(By Sangeeta Dubey, Sr. PC)

# ORDER

It is submitted that the applicant is drawing less pension than one Raj Pal Singh, who has put in less service. When the representation was made for rectification of the anomaly. PCDA (P) wrote to the Record Office for correction of the basic pay, no action has been taken by the said office.

Notice.

Ms Sangeeta Dubey, Sr.PC accepts notice on behalf of the respondents and waives service and seeks time to file reply.

Put up before the Registrar on 10.05.2024 for completion of pleadings.

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** AKS

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# OA 218 of 2024

#### Friday, the 01<sup>st</sup> day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### Smt Varinderjeet Kaur

Applicant

Respondents

(By Ashok Kumar Malhotra, Advocate)

### Union of India and others

Versus

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(By Anupama Sharma, Sr. PC)

# ORDER

Husband of the applicant was serving in the Indian Air Force. He was dismissed there-from under-section 20(3) of the Air Force Act, 1950 after having rendered service of 15 years 05 months and 06 days. The date of dismissal is 20.02.1999. He died on 17.11.1999. The present OA has been filed for grant of ordinary family pension.

Learned counsel for the applicant prays for time to address the arguments.

Adjourned to 17.04.2024.

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** AKS

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### OA 219 of 2024

#### Friday, the 01<sup>st</sup> day of Mar, 2024

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Versus

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Wg Cdr Sardul Singh (Retd)

Applicant

Respondents

( In person,)

#### Union of India and others

(By Rajni Narula, Sr.PC )

### **ORDER**

The applicant was commissioned in the Air Force on 22.06.2002 after having served in the Indian Air Force for about 15 years in the ranks. His grievance is against his retirement at the age of 54 years. Grievance reveals from the facts that he had heard that there was proposal to increase the age of retirement of all officers but was not actually done. Thus, representation dated 09.12.2021 was made for retention in service beyond the age of 54 years but the same was allegedly not considered by the competent authority.

The applicant in person seeks time to argue the case.

djourned to 24.07.2024

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** AKS

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## MA 411 of 2024 and OA 220 of 2024

#### Friday, the 01<sup>st</sup> day of Mar, 2024

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Versus

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## <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### Sikander Singh

Applicant

Respondents

(By Deepak Bhatt, Advocate)

#### Union of India and others

(By N C Nahata, Sr.PC)

### ORDER

The applicant was discharged from service on 30.06.2020. His grievance is that despite demand, he has not been granted one notional increment due on 01.07.2020 as a result, he is drawing less pension.

Notice.

Mr. N C Nahata, Sr. PC accepts notice on behalf of the respondents and waives service and seeks time to file reply.

Put up before the Registrar on 10.05.2024 for completion of pleadings.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** AKS

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# OA 221 of 2024

#### Friday, the 01<sup>st</sup> day of Mar, 2024

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Versus

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### Hans Raj Pandey

#### Applicant

Respondents

(By Col AK Sharma (Retd), Advocate)

### Union of India and others

•••••

(By Satinder Singh, Sr. PC)

# ORDER

It is submitted that in the PPO of the applicant qualifying service is mentioned as 24 years and 27 days. Accordingly, the applicant was entitled to grant of 3<sup>rd</sup> MACP. Thus, reply dated 26.06.2023 to the legal notice dated 04.04.2023 is factually incorrect. Submission herein that the applicant has served 23years, 10 months and 10 days is contrary to the statement in the PPO.

# Notice.

Mr. Satinder Singh, Sr.PC accepts notice on behalf of the respondents and waives service and seeks time to file reply.

Put up before the Registrar on 10.05.2024 for completion of pleadings.

### (Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** AKS

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### OA 222 of 2024

#### Friday, the 01<sup>st</sup>day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### **Balbir Singh**

Applicant

(By Lt Col VK Padwal (Retd), Advocate)

Respondents

**Union of India and others** (By A.S.Thakur, Sr.PC)

#### -.-ORDER

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Versus

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The applicant served in the Defence Security Corps for 14 years, 03 months and 25 days. His request for grant of service pension after condoning the shortfall has been rejected on the ground of non-permissibility of condition of shortfall in cases of second pension.

Learned counsel for the applicant submits that the said reason is illegal and unsustainable. Regulation 44 of the Pension Regulations for the Army, Part-1 (2008) specifically provides for condonation of deficiency in service upto 12 months and the same is not qualified by the applicability thereof only to cases of first pension.

Mr. A.S. Thakur, Sr.PC accepts notice on behalf of the respondents and waives service and seeks time to get instructions.

Adjourned to 10.05.2024.

List before the Registrar for completion of pleadings.

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** 

Notice.

#### -.-OA 224 of 2024

#### Friday, the 01<sup>st</sup>day of Mar, 2024

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Versus

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### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

**Smt Manjit Kaur** (By Anuja Sharma, Advocate) Applicant

**Respondents** 

Union of India and others (By VarshaGahlawat, Sr.PC)

#### -.-ORDER

The husband of the applicant was discharged from Indian Army on 01.05.1969. Thereafter, the couple went to New Zealand to live with their son, where the husband died on 29.09.2013. Representation for grant of family pension has been rejected on the ground that the name of the applicant is not recorded in the service documents of the husband as his legally wedded wife. Order of rejection is dated 07.02.2014. Affidavit annexed with the Original Application has been attested in Melbourne, Australia.

In view of the above, the Original Application is beyond limitation. Moreover, the affidavit sworn and attested in Australia cannot be used in India.

Faced with this situation, learned counsel for the applicant prays for time to argue the case.

Adjourned to 31.05.2024.

(Air Marshal Manavendra Singh) Member (A) 01<sup>st</sup> Mar, 2024 (Justice Sudhir Mittal) Member (J)

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### OA 225 of 2024

#### Friday, the 01<sup>st</sup>day of Mar, 2024

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Versus

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### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

**Smt Arti Bal** (By Navdeep Singh, Advocate) Applicant

**Respondents** 

Union of India and others (By RohitVerma, Sr.PC)

#### -.-ORDER

The husband of the applicant passed away due to cancer. The death has been declared as neither attributable to military service nor aggravated by it. Thus, the request of the applicant for grant of special family pension has been rejected.

Learned counsel for the applicant has submitted that in law, presumption is in favour of the applicant unless the same is rebutted. There is no rebuttal thereto as the medical authority has only said that the death was neither attributable to military service nor aggravated by it in view of Paras 9, 10, 11 and 12 of the Guide to Medical Officers, 2008. The said paragraphs have actually been misread and misinterpreted.

Notice.

Mr. Rohit Verma, Sr. PC accepts notice on behalf of the respondents and waives service and seeks time to get instructions.

Adjourned to 10.05.2024.

List before the Registrar for completion of pleadings.

(Air Marshal Manavendra Singh) Member (A) 01<sup>st</sup> Mar, 2024 (Justice Sudhir Mittal) Member (J)

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### OA 1834 of 2023

Friday, the 01<sup>st</sup> day of Mar, 2024

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**ORDER** 

### **CORAM:** HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Lt Col Sandeep Goyal (Retd)

Applicant

(By Rajesh Sehgal, Advocate)

#### Union of India and others

(By Bhavana Datta, Sr PC)

An application has been filed for condoning the delay in filing the Original Application and the same has been numbered as MA No.180 of 2024. However, the same is not mentioned in the cause list.

The Registry is directed to list the same on 22.03.2024.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

01<sup>st</sup> Mar, 2024

Respondents Versus .....

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MA 1462 & 1463 of 2023 in OA 400 of 2017

Friday, the 01<sup>st</sup> day of Mar, 2024

. . . . . .

Versus

<u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

**Applicants** 

Respondents

HANN

(By Ashok Kanwal, CGC)

#### **Pyar Singh Ahluwalia**

•••••

(By None)

**ORDER** 

In view of judgment dated 07.02.2024 passed in MA Nos.2509 & 2510 of 2023 in OA No. 3051 of 2017 titled 'Union of India and Others Vs. Smt.Suman Devi', the present application is dismissed as not maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

**01**<sup>st</sup> Mar, 2024 RR

### MA (E) 523 of 2023 in OA 1120 of 2015

#### Friday, the 01<sup>st</sup> day of Mar, 2024

. . . . . .

Versus

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### **Ram Kumar**

Applicant

Respondents-ppt

(By Surinder Sheoran, Advocate)

#### **Union of India & Others**

(By Satyawan Ahlawat Sr Pc)

### ORDER

Affidavit dated 24.02.2024 of Col Santosh Kumar Tripathi, Colonel Infantry-9 has been submitted in Court. The same is taken on record.

A perusal thereof shows that Government Sanction is still awaited.

Lt. Col. Ashish Sharma, Officiating Director Infantroy-9 is present pursuant to order dated 21.11.2023. He submits unconditional apology for not filing the affidavit on the previous date.

The apology is accepted. Personal presence of the said officer is dispensed with.

The submission that Government Sanction is still awaited, is not acceptable as the same submission had been made on the previous date of hearing also.

Thus, we deem it appropriate to direct the learned counsel for the applicant to file list of properties belonging to Union of India and situated within the territorial jurisdiction of this Tribunal, so that the same may be ordered to be attached and sold. Adjourned to 05.04.2024.

A copy of this order be given **dasti** to the learned counsel for the respondents on payment of usual terms.

ARMED FORCES THE MANNER (Justice Sudhir Mittal)

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MA (E) 3049 of 2019 in MA 3538 of 2016 and OA 1057 of 2015

Friday, the 01<sup>st</sup> day of Mar, 2024

. . . . . .

Versus

. . . . . .

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

#### Lila Dhar Singh

Applicant

Respondents

(By None)

#### Union of India and others

(By Vikas Sharma, Sr PC)

#### --ORDER

Learned counsel for the respondents submits that affidavit of Col. C.R. Kiran Naik cannot be filed as he is currently on 'UN Mission' in South Sudan. He has, however, sent an explanation dated 27.07.2023, a photo copy of the said reply has been handed over to the Court. The same is taken on record and is marked as Annexure 'Y'.

A perusal thereof shows that interpolation was made for correction of the record.

Adjourned to 10.04.2024.

A copy of this order be given **dasti** to the learned counsel for the respondents on payment of usual terms.

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** <sub>RR</sub>

MA 1412 of 2023 and MA (E) 2547 of 2019 in OA 2870 of 2017 Friday, the 01<sup>st</sup> day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Gurmit Singh	••••	Applicant
(By Rajesh Sehgal, Advocate)		
	Versus	
Union of India and others	••••	Respondents
(By Varsha Gahlawat, Sr PC)		
	ORDER	

Affidavit dated 29.02.2023 of Lt. Col Kalam Singh,, Senior Record Officer, Defence Security Corps Records, has been submitted in Court. The same is taken on record.

A perusal thereof shows that Government Sanction is awaited.

Learned counsel for the applicant submits that the order under execution was challenged vide Civil Appeal No. 5948 of 2023 and the same was dismissed on the ground of limitation alone vide order dated 18.09.2023. Thus, the delay in implementing the order under execution is not justified.

In view of the above, we deem it appropriate to direct the learned counsel for the applicant to file list of properties belonging to Union of India and situated within the territorial jurisdiction of this Tribunal, so that the same may be ordered to be attached and sold.

Adjourned to 18.04.2024.

A copy of this order be given **dasti** to the learned counsel for the respondents on payment of usual terms.

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)

**01<sup>st</sup> Mar, 2024** RR

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MA 2489 & 2490 of 2023 in OA 1169 of 2020

Wednesday, the 1<sup>st</sup>day of Mar, 2024

<u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

(By Anupama Sharma, Sr.PC)

#### **Smt Indra Devi**

(By)

Versus

. . . . . .

Respondent CAR

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510 of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not

maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

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# MA 2520 & 2521 of 2023 in OA 1850 of 2018

#### Wednesday, the 1st day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

(By Mukesh Kaushik, Sr. PC)

#### Smt Sumitra Devi

Versus

. . . . . .

Respondent

(By)

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not maintainable.

(Air Marshal Manavendra Singh)

(Justice Sudhir Mittal) Member (J)

1<sup>st</sup> March, 2024

Member (A)

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### MA 2541 & 2542 of 2023 in OA 91 of 2019

#### Wednesday, the 1st day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

(By FS Virk, Sr. PC)

#### Smt Kusam Lata

Versus

. . . . . .

Respondent

(By)

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not

maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

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# MA 2546 & 2547 of 2023 in OA 1014 of 2014

#### Wednesday, the 1st day of Mar, 2024

<u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

(By Varsha Gahlawat, Sr. PC)

#### **Smt Munesh Devi**

Versus

. . . . . .

Respondent

(By)

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not

maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

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MA 2548 & 2549 of 2023 in OA 3994 of 2018

Wednesday, the 1<sup>st</sup> day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

Respondent

(By Varsha Gahlawat, Sr. PC)

#### **Smt Reena**

Versus

. . . . . .

(By)

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not

maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

-.-

MA 2564 & 2565 of 2023 in OA 632 of 2019

Wednesday, the 1<sup>st</sup>day of Mar, 2024

<u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

(By FS Virk, Sr. PC)

#### **Smt Sona Devi**

Versus

. . . . . .

Respondent

(By)

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not

maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

-.-

MA 2585 & 2586 of 2023 in TA (A)727 of 2010

Wednesday, the 1<sup>st</sup>day of Mar, 2024

<u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others

Applicants

(By Tarun Gupta, Sr. PC)

#### **Gurnam Singh**

Versus

. . . . . .

Respondent

(By)

ORDER

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not maintainable.

(Air Marshal Manavendra Singh) Member (A)

(Justice Sudhir Mittal) Member (J)

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MA 2614 & 2615 of 2023 in OA 313 of 2018

### Wednesday, the 1<sup>st</sup>day of Mar, 2024

### <u>CORAM:</u> HON'BLE MR JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE AIR MARSHAL MANAVENDRA SINGH, MEMBER (A)

Union of India and others	•••••	Applicants
(By Vaibhav Parashar, Sr. PC)		CHRY.
Amarjit Singh	Versus	Respondent
(By )		
	ORDER	

For the reasons mentioned in the judgment dated 07.02.2024 passed in

MA 2509 & 2510of 2023 in OA 3051 of 2017 titled 'Union of India and

Others v. Smt. Suman Devi', the present application is dismissed as not

maintainable.

(Air Marshal Manavendra Singh) Member (A) (Justice Sudhir Mittal) Member (J)