

Court No. 1**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****ORIGINAL APPLICATION NO 164 of 2018**Thursday, this the 8th day of March 2018**Hon'ble Mr. Justice SVS Rathore, Member (J)****Hon'ble Lt Gen Gyan Bhushan, Member (A)**

No. 7077364-N, Ex Hav/Hony Nb Sub. Krishna Datta, son of Shri Pal,
resident of Sarkandi, Fatehpur, PIN CODE 212658, U.P.

....Applicant

Ld. Counsel for the applicant: Shri Pankaj Kumar Shukla, Advocate.

Verses

1. Union of India through Secretary, Ministry of Defence, (Army)
South Block, New Delhi, 110010
2. Chief of Army Staff, IHQ Mod (Army) South Block, New Delhi.
3. The Officer-in-Charge, EME Records, Secunderabad- 500021,
Andhra Pradesh.
4. PCDA (Pension) Draupadi Ghat, Allahabad.

.....Respondents

Ld. Counsel for the Respondents : Shri Kaushik Chatterji,
assisted by Maj Salen Xaxa,
OIC Legal Cell.

ORDER (ORAL)

1. The applicant has filed the instant O.A. under Section 14 of the
Armed Forces Tribunal Act, 2007 with the following prayers:

“A. To direct the respondents to implement the Government Instructions, Ministry of Defence letter dated 12.06.2009 and release the entitled pension with arrears from 01.01.2006 to the applicant as Naib Subedar along with simple interest @ p.a.

B. To issue/pass an order or directions to the respondents to decide the representation dated 02.08.2017 filed by the applicant.

C. To issue any such other and further suitable order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

D. To allow this original application with costs.”

2. Admittedly, the O.A. has been filed after delay of eight years two months and twenty two days. However, since the controversy in the present case involves recurring cause of action, as such, we condone the delay and with the consent of learned counsel for the parties, proceed to dispose of the O.A. at the admission stage itself.

3. Learned counsel for the applicant at the very outset submitted that interest of the applicant would be served if an order is passed directing the respondents to dispose of the representation preferred by the applicant dated 02.08.2017 keeping in view the observations made by the Armed Forces Tribunal, Chandigarh in **O.A No 42 of 2010, Virendra Singh & ors vs Union of India**, decided on 08.02.2010, and **O.A. No. 2755 of 2013, Hoshiyar Singh vs Union of India & others** decided on 27.10.2017 within a stipulated period.

4. Accordingly, we **dispose of** the O.A. finally with direction to the respondents to dispose of representation dated 02.08.2017 keeping in view the observations made in the case of **Virendra Singh and Hoshiyar Singh** (supra) within a period of three months from the date a certified copy of this order along with copy of the aforesaid representation is produced before the appropriate authority.

5. No order as to costs.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice SVS Rathore)
Member (J)

Dated : 08.03.2018
anb