

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**Review Application No. 06 of 2018**

**(In re: O.A.No. 530 of 2017)**

**By Circulation**

**“Hon’ble Mr. Justice SVS Rathore, Member (J)  
Hon’ble Air Marshal BBP Sinha, Member (A)”**

Ex. No. 8365073W, Warrant Officer Ram Nakshatra Singh, resident of House No. 604/13, Post Deoria, District Deoria (UP)

..... Applicant

Versus

1. Union of India through Secretary, Ministry of Defence (Army), West Block-2, R.K.Puram, New Delhi.
2. The Chief of the Army Staff, Integrated Headquarters of Ministry of Defence, Adjutant General’s Branch, Additional Directorate General Personnel Services, DHQ PO New Delhi-110011
3. The Officer-in-Charge, APS Records-900746
4. Principal Controller of Defence Accounts (Pension) Draupadi Ghat, Allahabad-211014

.....Respondents

**ORDER**

1. This Review Application has been filed under Rule 18(3) of the Armed Forces Tribunal (Procedure) Rules, 2008 for review of the judgment and order dated 18.12.2017 passed in OA No. 530 of 2017 by the Bench comprising Hon’ble Mr. Justice D.P.Singh, Member (J) and one of us (Air Marshal BBP Sinha, Member (A)). Since Hon’ble Mr. Justice D.P.Singh has

demitted the office of Member (J), this review application by circulation has come up before us for consideration.

2. After going through the record, it transpires that the matter requires hearing. Accordingly, we direct that this review application be listed for hearing on **06.02.2018**. Parties be informed.

**(Air Marshal BBP Sinha)**  
**Member (A)**

**(Justice SVS Rathore)**  
**Member (J)**

January 31, 2018  
LN/-

3. By the judgment and order under review, the Tribunal had granted the benefit of disability pension and its rounding off to the applicant but had restricted the arrears thereof from three preceding years from the date of filing of the said OA.

2. By means of the present review application, the applicant has prayed for a direction by this Tribunal to release the arrears of 50% rounded off disability pension to the applicant in the light of MoD Policy dated 14.09.2014 with effect from 01.01.1996.

3. The grievance of the applicant is restricted only to the period for which payment of arrears of disability pension has been prayed. This point has been settled by the Apex Court in catena of decisions and is no more a *res integra* (vide **Shiv Dass versus Union of India** reported in 2007 (3) SLR 445 and **Union of India versus Tarsem Singh**, Civil Appeal No. 5151-5152 of 2008, decided on 13<sup>th</sup> August, 2008). The applicant has also placed reliance on the pronouncement of Hon'ble Supreme Court in the case of **Tarsem Singh** (supra) and has raised a ground that in that case, the delay, which had caused no harm to the parties to the proceedings, may not be considered such as unreasonable delay. We have gone through the said pronouncement of Apex Court. That was also a case of grant of disability pension, wherein the Hon'ble Supreme Court had restricted the arrears only to three years before the date of filing of the petition; therefore, the applicant is not entitled to the benefit of the said judgment. The Tribunal has already granted the relief of payment of arrears to three years before the date of

filing of the petition. Therefore, we do not find any reason to grant the relief as prayed for in the present review application.

4. Accordingly, this review application lacking in merit deserves to be dismissed and is hereby **dismissed**.

**(Air Marshal BBP Sinha)**  
**Member (A)**

**(Justice SVS Rathore)**  
**Member (J)**

LN/-