

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

R.A. No. 67 of 2018 alongwith M.A. No. 1830 of 2018

In re:

O.A. No. 02 of 2016

Monday, this the 12th day of November, 2018

Hon'ble Mr. Justice S.V.S. Rathore, Member (J)

Hon'ble Air Marshal BBP Sinha, Member (A)

1. Union of India through Secretary Defence, New Delhi.
2. Commanding Officer, 19 Jat Regiment Bareilly, C/O 56 APO
3. Commanding Officer, Military Hospital, Rajori, C/O 56 APO

-Review Applicants

Ld. Counsel for the :
Review Applicants

Shri Namit Sharma, Advocate

Vs.

Rakesh Devi w/o Vijendra Singh R/o Village: Posstika, Post: Pisawah,
District: Aligarh

....Respondent

Ld. Counsel for the :
Respondent

None

Hon'ble Mr. Justice S.V.S. Rathore, Member (J)

Hon'ble Air Marshal BBP Sinha, Member (A)

ORDER (ORAL)

1. This review application has been filed by the Union of India and others in O.A. No. 02 of 2016 decided on 04.08.2017 Rakesh Devi vs. Union of India and others. By the order under review the following relief was granted to the applicant:-

“In the result, O.A. No. 02 of 2016 succeeds and is allowed. The respondents are directed to grant disability pension to the applicant @ 50% for 2 years which would stand rounded off to 75%. Respondents are directed to give effect to the order within four months from the date

of receipt of a certified copy of this order. In case the respondents fail to give effect to this order within the stipulated time, they will have to pay interest @ 9% on the amount accrued from due date till the date of actual payment.

No order as to costs.”

2. As per report of the Office there is delay of 01 year, 01 month and 21 days in filing this review application.
3. It is submitted on behalf of the review applicants that the deceased husband of the applicant was discharged from service on compassionate ground and he was not invalided out, therefore he was not entitled to disability pension. A perusal of the order under review shows that the order was passed taking into consideration all the aspects of the matter and the settled case law on the point and also keeping in view the relevant pension regulations. This ground has been considered by the Tribunal in the order under review and we do not find any error apparent on the face of record, justifying the interference in the review jurisdiction. While entertaining a review application the scope of the Tribunal to interfere in the order is very limited and is confined only to correct the errors apparent on the face of record. We do not find any error apparent on the face of record.
4. Accordingly this review application is **dismissed** on the ground of delay as well as on merits.

No orders as to costs.

(Air Marshal BBP Sinha)
Member (A)

Dated: November 12, 2018
JPT

(Justice S.V.S. Rathore)
Member (J)

