

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

O.A.No.62 of 2013

Thursday, the 10th day of October, 2013

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER - JUDICIAL)

AND

THE HONOURABLE LT GEN (RETD) ANAND MOHAN VERMA
(MEMBER – ADMINISTRATIVE)

Rank – Lt. Col.(Retd.), Name– A. Srinivasan
Service No. TA-41953–X,
Son of – Late S. Arunachalam, aged about 60 years,
G-1, Raghavendra Nilyam,
House No.1-7-19, JSN Colony, Street No.8,
Habsiguda, Behind Devi Garden,
Hyderabad-500 007.

... Applicant

By Legal Practitioners:
M/s. M.K. Sikdar & S. Biju

Vs.

1. Union of India,
Through the Secretary, Govt. of India,
Ministry of Defence, South Block,
New Delhi-110 011.
2. The Additional Directorate General Territorial Army,
General Staff Branch,
Integrated HQ of MOD (Army), 'L' Block,
New Delhi 110001.
3. The Controller General of Defence Accounts,
Ulan Batar Road, Palam,
New Delhi-110 010.

... Respondents

By Mr. B. Shanthakumar, SPC

ORDER

(Order of the Tribunal made by
Hon'ble Justice V.Periya Karuppiah,
Member-Judicial)

1. This application has been filed by the applicant praying for production of the records in respect of the impugned order No.UONo.5662/AT-P/Vol.XVI dated 21.3.2013, regarding rejection of Territorial Army pension passed by the 3rd respondent and quash the same and direct the respondents to grant Territorial Army pension to the applicant with effect from 1.1.2009 with interest and with consequential monetary benefits and to cease the civil pension thereafter and to pass further orders.

2. Heard Mr. M.K. Sikdar, Learned Counsel for the applicant and Mr. B. Shanthakumar, Learned Senior Panel Counsel assisted by Major Suchithra Chellappan, Learned JAG Officer on behalf of the respondents.

3. The Learned Counsel for the applicant was addressing the arguments on the basis of the pleadings raised in the application and while submitting the points related to the prayer, he had referred that the applicant was aggrieved by the impugned order passed by the 3rd respondent dated 21.3.2013 and it ought to have been quashed and he been granted with Territorial Army pension as prayed for in the application. He had also referred to a subsequent letter No.66177/TA-41953/TA-4 dated 12.6.2013,

sent by the Additional Directorate General Territorial Army, GS Branch, IHQ of MoD (Army), New Delhi, to CGDA, Delhi Cantonment-10, which was also marked copy to the applicant for information sake. In the said letter, we could find that the applicant's plea for the grant of Territorial Army pension was requested to be considered as a fresh case without any further delay. The Learned Senior Panel Counsel could not comment upon the letter dated 12.6.2013 sent to CGDA, Delhi Cantonment. The said letter was no doubt on the representation of the applicant towards the grant of pension from Territorial Army. In the impugned order challenged by the applicant, the Controller General of Defence Accounts, Delhi Cantonment, wrote to Ministry of Defence on 21.3.2013 that the 'Ministry may like to consider the case on merit and grant him pension from army side, which would be more beneficial to him as a special case.' On a combined reading of both the letters, we could find that the claim of the applicant for Territorial Army pension have been recommended and it has to be decided by the Ministry of Defence. It could be understood that the application filed by the applicant seeking for an order from us, when the matter is still pending before the competent authority. In the impugned letter, it has been discussed about the rules and regulations regarding the grant of Territorial Army pension to the applicant, but there was no rejection order passed against the applicant. Therefore, we find that the application filed by the applicant is not germane at this stage. It could be preferred only after any decision has been reached by Ministry of Defence.

4. It is clear from the facts and circumstances of the case that Ministry of Defence is yet to pass orders on the claim of the applicant and, therefore, we are of considered view that a direction be issued against the 1st respondent to dispose the claim of the applicant in an expeditious manner, and it would be sufficient for the disposal of the application. Accordingly, the 1st respondent is directed to dispose the claim of the applicant for Territorial Army pension pending before it, as referred in the impugned order dated 21.3.2013 in letter No.UO No.5662/AT-P/ Vol.XVI, within a period of three months from the date of receipt of the copy of this Order. The applicant is entitled to file any application before the Tribunal challenging the final order passed by the 1st respondent in respect of his claim, if ended adverse, and if so advised.

5. For the above reasons, the application is disposed of with the aforesaid directions and observations. No order as to costs.

Sd/-
LT GEN ANAND MOHAN VERMA
MEMBER (ADMINISTRATIVE)

Sd/-
JUSTICE V.PERIYA KARUPPIAH
MEMBER (JUDICIAL)

10.10.2013
(True Copy)

Member (J) – Index : Yes / No
Member (A)– Index : Yes / No

Internet : Yes / No
Internet : Yes / No

To,

1. The Secretary to Government,
Ministry of Defence, South Block,
New Delhi-110 011.
2. The Additional Directorate General Territorial Army,
General Staff Branch,
Integrated HQ of MOD (Army), 'L' Block,
New Delhi 110 001.
3. The Controller General of Defence Accounts,
Ulan Batar Road, Palam,
New Delhi-110 010.
4. Mr. M.K. Sikdar & S. Biju,
Counsel for applicant.
5. Mr. B. Shanthakumar, SPC
Counsel for respondents.
6. OIC, Legal Cell (Army),
ATNK & K Area HQ,
Chennai-9.
7. Library, AFT, Chennai.

HON'BLE MR.JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)
AND
HON'BLE LT GEN ANAND MOHAN VERMA
MEMBER (ADMINISTRATIVE)

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