

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 16438-16440/2017

EX. RECT MITHILESH KUMAR

APPELLANT (S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT (S)

O R D E R

Limited notice to the following effect was issued on
22.09.2017:

"Leave to appeal under Section 31(1) of the Armed Forces Tribunal Act, is granted.

It is argued by the learned counsel appearing for the petitioner that even if the petitioner is not entitled to disability pension as per Regulation 197 of the Pension Regulations For the Army-1961 (Part-I), he was entitled at least to invalid pension or gratuity. She has drawn our attention to Appendix II in support of her submission.

This is the only issue which needs to be examined in this case. We have requested Mr. Maninder Singh, learned Additional Solicitor General, who is present in the Court to look into the matter."

We have heard the learned counsel for the parties on the aforesaid aspect and are of the view that in terms of Regulation 197 of the Pension Regulations For the Army-1961 (Part-I), the appellant shall be entitled to invalid pension w.e.f. 24.07.2013.

Ordered accordingly.

The appeals are partly allowed to the aforesaid extent. The arrears shall be paid within three months from the receipt of the copy of this order.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
OCTOBER 27, 2017

ITEM NO.15

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 16438-16440/2017

EX. RECT MITHILESH KUMAR

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.89525/2017-CONDONATION OF DELAY IN FILING and IA No.52477/2017-CONDONATION OF DELAY IN REFILING and IA No.52474/2017-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES TRIBUNAL ACT, 2007)

Date : 27-10-2017 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. Kshatrshal Raj, Adv.
M/s. Parekh & Co., AOR

For Respondent(s) Mr. Maninder Singh, ASG
Mr. R. Balasubramanian, Adv.
Mr. Santosh Kumar Vishwakarma, Adv.
Mr. Prabhash Bajaj, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. M. K. Maroria, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The appeals are partly allowed in terms of the signed order.

Pending application(s), if any, stands disposed of
accordingly.

(ASHWANI KUMAR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)