

FORM NO. - 4  
{See Rule 11 (1)}  
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

APPLICATION No. : O. A. No. - 82/2017 WITH M. A. No. - 73/2017

Applicant (s)

Ex-Sigmn Jarnail Singh

Legal Practitioner for Applicant (s)

Mr. SK Choudhury, Ld. Advocate

Respondent (s)

Union of India & Others

Legal Practitioner for Respondent (s)

Mr. Ajay Chaubey, Ld. Advocate

Notes of the Registry	<u>ORDERS OF THE TRIBUNAL</u> Order Ser. No. : _____ Dated : 04.05.2022
	<p style="text-align: center;"><u>OA 82/2017 WITH MA 73/2017</u></p> <p>In this application filed under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has claimed the following reliefs:</p> <p><i>“8. A. Direct the respondents to process the case of the applicant for issuance of a Presidential Order as per Para 122(a)(vii) of Pension Regulations for the Army, 1981 as a special case reducing the period that shall not count that is the period from 16 Apr 1990 to 26 Mar 1992 when the applicant was detained in civil custody before being sentenced to imprisonment.</i></p> <p><i>B. Direct the respondent No.2 to grant service pension to the applicant as per Para 1(a)(x) of Ministry of Defence circular No.4584/DIR(PEN)/2001 dated 14 Aug 2001.</i></p> <p><i>C. Quash and set aside 33 Corps Operating Signal Regiment Part II Order No.89/04/1992 dated 09 Jul 1992 whereby the applicant was dismissed from service or convert the order of “dismissal from service” to discharge from service” to enable the applicant to receive service pension.</i></p> <p><i>D. Quash and set aside the Records Signals letter No.5492/Legal Notice/LC/T-1/231 dated 23 Oct 2015 whereby the claim for grant of service pension of the applicant as rejected.</i></p> <p><i>E. Issue directions to respondent No.1 to grant service pension to the applicant wef 17 May 2014.</i></p> <p><i>F. Issue directions to respondent No.4 to produce the following records before this Hon’ble Tribunal:-</i></p>

- i) Record of service of the applicant*  
*ii) Record of all documents related to the legal case of the applicant.*

We have learned counsel for the parties at length and are of the opinion that since the applicant was dismissed from service and through the medium of this OA seeking grant of service pension, he will have to file a Mercy Petition to the Hon'ble President of India.

At this stage learned counsel for the applicant submits that his client has already filed the Mercy Petition and sent it through post to the Record Office. Maj Preeti Sharma, OIC, Legal Cell, who is present in Court, submits that no such petition was ever received.

In view of the above we think ends of justice would be met if the applicant, if so advised, submits a Mercy Petition to the appropriate authority which in turn shall process the same and forward it to the Hon'ble President of India for consideration.

We may note that we have not expressed any opinion on the merit of the matter.

In view of the both OA and MA stand disposed of.

(LT GEN BOBBY CHERIAN MATHEWS)  
MEMBER (ADMINISTRATIVE)

(JUSTICE ANJANA MISHRA)  
MEMBER (JUDICIAL)

/vks/