

**FORM NO – 4**

**(SEE RULE 11 (1))**

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**

**ORDER SHEET**

**APPLICATION No : T A 38/2011 (CWJC No. 8950/2006)**

APPLICANT (S)	Yashoda Devi
RESPONDENT (S)	<u>Union of India &amp; 4 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. Anal Kr. Ghosh/Mr. Sanjit Kumar Das	Mr. D.K.Mukherjee

NOTES OF THE REGISTRY	<b><u>ORDERS OF THE TRIBUNAL</u></b> Order Sl. No. : <u>21</u> Dated : <u>25.03.2014</u>
	<p>Mr. Sanjit Kr. Das, Id. adv. being led by Mr. Anal Kr. Ghosh, Id. adv. appears for the applicant. Mr. D.K.Mukherjee, Id. adv. is present for the respondents. The application is taken up for hearing.</p> <p>We find from the records that the respondents have quoted extensively from rule 29.1 of Pension Payment Instructions as also regulation 82(b) of Pension Regulations, copies of which are annexed at annexure-R1 and R2 respectively in the A/O that was filed before the Hon'ble Patna High Court when the present writ petition was pending there prior to its transfer to this Tribunal. Even in the A/O to the supplementary affidavit filed by the applicant in this Tribunal, the respondents have continued to refer to these rules/regulation {(29.1 and 82(b)}. We, however, have been given to understand that the Pension Regulations have undergone certain revisions and amendments. The ibid rules do not appear in any manner in the current Regulations, as we find from Lall's Compilation of Pension Regulations for the Army, January 2012 Edn., rather we find that regulations 4 and 5 deal with the subject of grant of pension subject to future good</p>

conduct in detail. The respondents are directed to file the correct position of the rule quoting correct policy letters as are applicable today on the subject of grant of pension subject to future good conduct and rules with regard to withholding of pension or withdrawing of pension and provision of re-admission of pension as provided in Pension Regulations.

The above rules be collected and filed before this Tribunal through an affidavit with copy served upon the other side. Mr. Mukherjee prays for three weeks to file the affidavit annexing the rules, as asked for. Accordingly, let the matter be adjourned to 16.6.14 for hearing. The respondents are directed to produce the correct position of the relevant rules and policy letters on the subject within three weeks.

To 16.6.14 for hearing.

Let a plain copy of the order duly countersigned by the Tribunal Officer be furnished to both sides on observance of due formalities.

(LT. GEN K.P.D.SAMANTA)  
MEMBER(A)

(JUSTICE RAGHUNATH RAY)  
MEMBER(J)