

NO  
pension

~~TAX NO.~~

DATE OF DECISION 07.12.1992

Shri Jayendra H. Rantarahi \_\_\_\_\_ Petitioner

Shri I.M.Pandya . \_\_\_\_\_ Advocate for the Petitioner(s)

## Versus

Union of India & others Respondent

Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. N. V. Krishnan

: Vice Chairman

The Hon'ble Mr. R.C. Bhatt

: Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

.....2.....

Shri <sup>ng</sup> Jayendra Hiralal Rantarahi,

Gitanjali, Rajiv Nagar,  
Plot No.119, Porbandar

.....applicant

(Advocate : Shri I.M.Pandya)

versus

1. Union of India,  
Notice to be served through  
Major General,  
Army Supply Corps (MT),  
H.Q.Souther Command,  
Pune-1.

2. Controller of Defence,  
Accounts (Pension)  
Allahabad.

3. The Commandant,  
24 ASC Battalion  
Camp at Ahmedabad.

.....respondents.

ORAL JUDGMENT

O.A./480/92

Date : 07.12.92

Per : Hon'ble Mr.N.V.Krishnan  
Vice Chairman

Shri I.M.Pandya for the applicant.

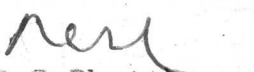
We have heard the learned counsel for  
the applicant. His main grievance is against the  
Annexure A/1 letter issued to him by respondent

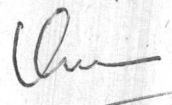
Q

.....3.....

by respondent no.3 on 19.11.1988. The letter was sent by respondent no.3 to the applicant informing him that no disability pension is admissible to him and that he had been so informed as early as in July 1981. Therefore, the applicant has prayed that the respondents be directed to release his pension.

2. We notice that ~~apart~~ from the delay in filing this application, which is obvious from the fact that the impugned Annexure A/1 letter is stated to be issued on 19.11.1988, it is also <sup>u</sup>~~related~~ to a stale claim. It is seen that the applicant was invalided on 11.4.1981 and it was held on 11th July, 1981 by the second respondent that his disability was neither attributable to nor aggravated by military service. An appeal preferred against this decision was turned down by Governments' letter dated 8th September, 1983. He was however, given an opportunity to prefer a final appeal within six months from that letter but he did not prefer any such appeal. Hence, the order dated 08.9.1983 became final. We therefore, notice that this claim is absolutely stale being as old on July, 1981. Hence, we do not find it necessary to admitted <sup>this</sup> stale claim without any reason being assigned for not availing of the departmental appeal. Hence, the application is dismissed.

  
(R.C. Bhatt)  
Member (J)

  
(N.V. Krishnan)  
Vice Chairman

\*SS