

SUPREME COURT OF INDIA

Bhola Singh

Vs.

Union of India

C.A.No.4486 of 2002

(Dalveer Bhandari and Dr. Mukundakam Sharma JJ.)

10.08.2010

ORDER

1. We have heard the learned counsel for the parties.

2. The appellant is an ex-serviceman having served Indian Navy from 6.4.1974 to 30.4.1984, for 10 years and 24 days. He was discharged from service on medical ground on completion of the tenure of service. He was granted disability pension by the Government. The appellant claimed for service element of pension over and above the disability pension. Mr. Attri, learned senior counsel appearing for the Union of India has drawn our attention to Regulation 78 of the Navy (Pension) Regulation, 1964, according to which the minimum service required for service element pension is 15 years. The learned Single Judge of the Punjab and Haryana High Court vide his judgment dated 22nd September, 2000, dismissed the writ petition filed by the appellant on the ground that the appellant was not entitled to get service pension. Aggrieved by the said judgment passed by the learned Single Judge, the appellant preferred letters patent appeal before the Division Bench of the Punjab and Haryana High Court. The Division Bench also observed that the appellant was granted disability element of pension and there is no provision made in the statutory rules or regulations for grant of service element of pension in the case of discharge, on completion of the initial tenure of fixed period of 10 years in service, and the letters patent appeal filed by the appellant was dismissed. In view of the clear regulations of the Navy, the appellant is not entitled to service element of pension because he has admittedly not put in 15 years of service.

3. We do not find any infirmity in the impugned judgments passed by the learned Single Judge which is affirmed by the Division Bench of the Punjab and Haryana High Court. No interference is called for. This appeal being devoid of any merit, is accordingly dismissed leaving the parties to bear their own costs.