

(2019) 12 AFT CK 0041
In the Armed Forces Tribunal
Case No : Original Application No. 802 Of 2019

Arun Kumar And Others

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 09-12-2019

Acts Referred:

Citation : (2019) 12 AFT CK 0041

Hon'ble Judges : Sunita Gupta, J; Philip Campose, Member (A)

Bench : Division Bench

Advocate : Praveen Kumar, V.S. Kadian, V. Pattabhiram

Final Decision : Allowed

Judgement

1. By way of the present OA, the applicant claims revision of his pension on the basis of last rank held. Le.. Hony Nb Sub. From 01.01.2006. Counsel

for the applicant submits that case of the applicant is duly covered by number of judgments rendered by this Tribunal and affirmed by the Hon'bie

Supreme Court.

Heard. Admit

Issue notice to the respondents in OA.

Counsel for the respondents submits that subject to verification, appropriate orders may be passed. As such, vide separate order. OA stands disposed

of

O.A. No. 802 of 2019

By virtue of this OA, the applicants, who were enrolled in the army on 12.12.1980, 12.01.1976 and 04.02.1966. and discharged on 31.12.2004.

31.01.2000 and 28 02.1990 in the rank of Havildar. and were granted the

Honorary rank of Naib Subedar (Hony Nb Sub). seek re-fixing of pension in the rank of 'Nb Sub w.e.f. 01.01.2006 on the basis of Govt. of India (MOD) letter dated 12.06.2009.

2. We find that the grant of pension to pre-2006 'Hony Nb Sub' is covered squarely by the order dated 08.02.2010 of the AFT (IRB), Chandigarh in

O.A. No. 42 of 2010 titled Virender Singh & Ors. Vs. Union of India & Ors.. as affirmed by the Hon'ble Apex Court vide its order dated 13.12.2010,

dismissing the appeal of Union of India against the aforesaid order in S.L.P. (C) CC No. 18582 of 2010. Similarly. the Hon'ble Apex Court in Civil

Appeal No. 4677 of 2014 titled Union of India & Ors. Vs. Suhhash Chander Sotli had. vide its order dated 20 05.2015. dismissed the appeal of Union

of India again AFT order in O.A. No. 3305 of 2013. Subsequently. Govt. of India (MoD) has cleared the grant of pension in the rank of Nb Sub to

personnel who retire in the rank of Havildar and were granted Honorary rank of Nb Sub vide its letter No. F A. 3(8)/2013/D (Pension/Legal) dated

30.10.2017.

3. Hence we allow the instant DA. Subject to verification. respondents shall re-fix the pension of the applicants in the rank of Nb Sub w.e.f.

01.01.2006 on the basis of Government letters dated 12.06.2009 and 30.10.2017. within a period of four months from the date of receipt of a copy of

this order. The amount of Rs. 100/- per month, which has already been paid to the applicants after 01.01.2006, shall be adjusted against the due

amount as per this order and the payment of that amount shall be discontinued. Nonpayment of arrears within a period as stipulated above shall attract

interest @ 8% per annum.

No order as to costs.