

(2022) 02 AFT CK 0002
In the Armed Forces Tribunal
Case No : OA 1706 Of 2021

Ex Sub Shankar Bepari

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 09-02-2022

Acts Referred:

Citation : (2022) 02 AFT CK 0002

Hon'ble Judges : Rajendra Menon, Chairperson, (J); P.M. Hariz, Member (A)

Bench : Division Bench

Advocate : Ajit Kakkar, Capt Karan Singh Bhati, Ashok Chaitanya

Judgement

1. In pursuance to the order passed by us on 17.01.2022, notice has been issued to the Chief Manager, State Bank of India, CPPC, SBI Govindpura

Branch premises, Behind Working Women's Hostel Premises, Govindpura BHEL, Bhopal. Office record indicates that the notice is served but

still none has appeared on behalf of the bank.

2. Shri K.S. Bhati, learned Sr. CGSC, appears on behalf of the respondents and produces before us a communication dated 01.02.2022 issued by the

Record Office indicating that after taking note of Para 7 of the Pension Regulations for the Army, Part-I (2008), provisional pension as per the

statutory rules in respect of the applicant has been issued vide Pension Payment Order (PPO) No. 237201901410 dated 30.01.2022 and the same has

been forwarded to the bank.

3. He further submits that, for the present, as far as payment of gratuity is concerned, the statutory rules permits the respondents to withhold the same

to the extent indicated in the Statute and all provisional payment as permissible under the Statute had already been issued and the amended PPO, as

indicated, has been forwarded to the bank on 31.01.2022.

4. Taking note of all these circumstances, we direct the Chief Manager, State Bank of India, CPPC, SBI Govindpura Branch premises, Behind

Working Women's Hostel Premises, Govindpura BHEL, Bhopal to ensure that the amount indicated in the PPO issued to the applicant vide PPO

No. 237201901410 dated 30.01.2022, is credited to the account of the applicant, Ex Sub Sankar Bepari, within a period of three days from the date of

receipt of the copy of this order and compliance report submitted to the Principal Registrar of this Tribunal on-or-before 15th February, 2022, failing

which, we shall take coercive action against the bank officers.

5. Copy of this order along communication dated 01.02.2022, communication dated 31.01.2022 and PPO bearing No. 237201901410 submitted by Shri

Bhati, be forwarded to the bank authority by the office by tomorrow. The order be also forwarded to the bank by Speed Post or courier service and

an additional copy of the same be also sent through e-mail or fax to the bank.

6. As far as grant of leave to the applicant is concerned, Shri Kakkar made a serious complaint to say that the applicant has been in custody for more

than 25 months without grant of any leave and that he had applied for leave on account of death of his mother in law but leave had not been

sanctioned till date and has thus not been able to attend the funeral of his mother in law and participate in the religious rites. Shri Bhati rebuts the

aforesaid submission and submits that as per rules, leave has already been granted to the applicant.

7. Without commenting on the contentions made in this regard, we direct that the leave application of the applicant to attend the religious rituals of his

mother in law be considered and he be granted suitable leave within three days from the date of receipt of the copy of this order.

8. List the matter on 7th March, 2022 for further orders.

Copy of this order be given to Dasti.