

(2019) 12 AFT CK 0045

In the Armed Forces Tribunal

Case No : Original Application No. 2186 Of 2019, Miscellaneous Application No. 3054 Of 2019

Parmali Devi

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 13-12-2019

Acts Referred:

Citation : (2019) 12 AFT CK 0045

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

Bench : Division Bench

Advocate : Praveen Kumar, V.S. Kadian, Shyam Narayan

Final Decision : Allowed

Judgement

1. Heard. Admit.

Issue Notice to the respondents on OA as well as MA. Notice is accepted by Mr. Shyam Naravan, learned counsel for the respondents.

Learned Counsel for the applicant submits that this case is squarely covered by the various Judgments of this Tribunal, which is not disputed by the

learned counsel for the respondents.

However, it is stated by the learned counsel for the respondents that Original Application may be allowed subject to verification of records.

Vide separate orders OA is finally disposed off.

MA 305412019

For the reasons carved out in the application, the delay of 5071 days in filing Original Application is condoned. MA stands disposed of.

OA 2186/2019

By virtue of this OA, the applicant, whose husband was Unrolled in the Indian Army on 18.02.1957 and was discharged on 30.06.1981 in the rank of

Havildar. and was granted the Honorary rank of Naib Subedar (Hony Nb Sub) seeks service pension in the rank of N 13 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 is covered squarely by the order dated 08.02.2010 of the AFT (1M). Chandigarh in O.A. No. 42 of

2010 titled as 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. Subhash Chander Soni had, vide its order dated 20.05.2015, dismissed the appeal of Union of India

against 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 OA. Subject to verification, respondents shall re-fix the pension of the husband of the applicant 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 applicant after 01.01.2006, shall be adjusted against the due

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

attract interest (a. 8% per annum.

4. No order as to costs.