
(2019) 12 AFT CK 0046

In the Armed Forces Tribunal

Case No : Original Application No. 2188 Of 2019

Sujoy Ranjan De

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 13-12-2019

Acts Referred:

Citation : (2019) 12 AFT CK 0046

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

Bench : Division Bench

Advocate : S.S. Pandev, V. PattabhiRam

Final Decision : Allowed

Judgement

1. Heard. Admit

Issue Notice to the respondents on OA as well as MA. Notice is accepted by Mr. V. Pattabhi Ram, 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.

Vine separate original OA is finally disposed off.

By virtue of this OA, the applicant, who was enrolled in the Indian Army on 10.06.1973 and was discharged on 30.06.1997 in the rank of HaulMar,

and was granted the Honorary rank of Naib Subedar (1-lonv Nb Sub) seeks service pension in the rank of 'Nip 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 (RB), Chandigarh in O.A. No. 42 of

2010 titled as Virender Singh & Ors. Vs. Union of India & Ors., as affirmed by the Honble 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 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 OA. Subject to verification, respondents shall re-fix the pension 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 67 8% per annum.

4. No order as to costs.