

(2019) 11 AFT CK 0003
In the Armed Forces Tribunal
Case No : Original Application No. 1542 Of 2018

Til Prasad

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 18-11-2019

Acts Referred:

Citation : (2019) 11 AFT CK 0003

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

Bench : Division Bench

Advocate : Sangeeta Tomar, V. Pattabhi Ram

Final Decision : Allowed

Judgement

1. Arguments heard.

Vide separate order, OA stands disposed of.

By virtue of this OA, the applicant, who was enrolled in the army on 01.08.1975 and discharged on 31.07.2001. from the rank of Havildar, and was

granted the Honorary rank of Naib Subedar (Hony Nb Sub) on the occasion of Independence Day 2001 communicated vide letter dated 20.08.2001,

seeks 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 is covered squarely by the order dated 08.02.2010 of the AFT (RB), Chandigarh in O.A. No. 42 of

2010 titled 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. 3305/2013. 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 @ 8% per annum.

4. No order as to costs.