

(2019) 12 AFT CK 0005

In the Armed Forces Tribunal

Case No : Original Application No. 2127 Of 2019

Yogandar Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 10-12-2019

Acts Referred:

Citation : (2019) 12 AFT CK 0005

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

Bench : Division Bench

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

Final Decision : Allowed

Judgement

1. Heard. Admit.

Issue notice to the respondents. Dr. V.S. Mahndiyan, Advocate accepts notice on behalf of the respondents.

Counsel for the applicant submits that this case is totally covered by number of judgments which is not disputed by counsel for the respondents.

However, it is submitted that subject to verification, appropriate order may be passed.

Vide separate order, OA stands disposed of.

By virtue of this OA, the applicant, who was enrolled in the Indian Army on 18.09.1979 and was discharged on 30.09.2005 in the rank of Havildar,

and was granted the Honorary rank of Naib Subedar (Hony Nb Sub) on the occasion of Republic Day, 2006, seeks service 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 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 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 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.