

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION No. 734 of 2020**

Tuesday, this the 11th day of January, 2022

Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

No. 298094 Ex Nk Shyam Pal Singh, S/o Shri Abhiram Singh, R/o New Adarsh Colony, LOCO Maseni Road, PO- Fategarh, Distt. Farrukhabad (UP).

..... Applicant

Learned counsel for the : **Shri KK Misra**, Advocate.
Applicant

Versus

1. Union of India through its Secretary Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Army HQ, New Delhi -110011.
3. Officer-in-Charge, Records, Rajput Regiment, Fatehgarh, Pin-900427.
4. PCDA (Pension), Allahabad.
5. Chief Manager, CPPC, Central Bank of India, MG Road, Fort Mumbai.

.....Respondents

Learned counsel for the : **Shri Ram Saran Awasthi**, Advocate
Respondents. Central Govt. Counsel

ORDER (Oral)

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

- (a) *To direct the respondents to grant revised pension to the applicant, w.e.f. 01 Jan 2006, as per the policy of the Govt. along with its arrears and with interest as applicable.*
- (b) *Any other relief which Hon'ble Court may think and proper may be granted in favour of the applicant.*
- (c) *Cost of the case may be allowed.*

2. Brief facts of the case giving rise to this application are that the applicant was enrolled in the Indian Army, the Rajput Regiment on 11.04.1981. He was discharged from service w.e.f. 31.12.1998 (AN) after having completed about 17 years of service under Army Rule 13 (3) III (V) read in conjunction with Army Rule 13 (2A) due to being in permanent Low Medical Category BEE and non-availability of sheltered appointment in the unit. While serving in 19 RAJPUT, Lalgarh Jattan (Rajasthan) he was admitted to 176 Military Hospital on 21.09.1996 and was diagnosed to be suffering from 'LOW BACKACHE'. He was transferred to Command Hospital (Western Command), Chandimandir for specialist opinion on 02.10.1996 where he was recommended to be placed in LOW Medical Category BEE (temporary) for a period of six months w.e.f. 24.10.1996. The applicant underwent Re-categorization Medical Board on 24.04.1997 and he was placed in Low Medical Category BEE (permanent) for a period of two years. At the time of discharge his Release Medical Board (RMB) was held at 181 Military Hospital on 21.11.1998 in which his medical disability "LOW BACKACHE 724 (C) V 67" was assessed @ 20% for life aggravated by military

service. Accordingly, the applicant was granted Service Pension w.e.f. 01.01.1999 vide PPO No. S/079558/98 (Army) dated 20.01.1999. Thereafter, the applicant was granted benefits of disability element duly rounded off to 50% w.e.f. his date of discharge and corrigendum PPO No. DE/CORR/1159/2016 dated 23.12.2016 was issued. Applicant's grievance is that he is not receiving correct pension. This O.A. has been filed by the applicant for grant of revised pension w.e.f. 01.01.2006 along with arrears and interest thereon.

3. Learned counsel for the applicant submitted that applicant is not getting his revised pension w.e.f. 01.01.2006 which is due to him as per PCDA (P), Allahabad Circular No 555. He further submitted that the applicant made regular correspondence for grant of correct pension but till date he has not been paid his correct pension due to him.

4. Per contra, submission of learned counsel for the respondent is that after discharge from service the applicant was granted service pension w.e.f. 01.01.1999 vide PPO No. S/079558/98 (Army) dated 20.01.1999 (Annexure R-1) which was revised from time to time. His further submission is that consequent to grant of disability element, corrigendum PPO No DE/011049/99 (Army) dated 29.06.1999 was issued and disability element was also granted. He further submitted that the applicant was also granted 50% rounded off disability element vide corrigendum PPO No DE/Corr/1159/2016 dated 23.12.2016. His other submission is that whenever the applicant made a request to Records, the Rajput Regiment in connection with revision of his pension, correspondence was made with the Chief Manager, Centralised Pension processing Cell, Central Bank of India, Mumbai (Maharashtra) with a

copy to PDA i.e. Central Bank of India, Farrukhabad for adjustment of revised rate of pension in respect of the applicant. Learned counsel for the respondents further submitted that since applicant is already in receipt of benefits of OROP as per PCDA Circular No 555, this O.A. being infructuous deserves to be dismissed.

5. We have heard Shri KK Misra, learned counsel for the applicant and Shri Ram Saran Awasthi, learned counsel for the respondents and perused the material placed on record.

6. No. 2980942 Ex Nk Shyam Pal Singh was enrolled in the Army on 11.04.1981 and he was discharged from service on 01.01.1999 (FN). His service pension was sanctioned vide PPO No. S/079558/98 (Army) dated 20.01.1999. The applicant was also granted disability element of pension vide PPO No DE/011049/99 (Army) dated 29.06.1999. Later, after issue of Circular No. 555 One Rank and One Pension (OROP) was granted to applicant and revised corrigendum PPO No S/corr/6th CPC/090355/2014 dated 30.04.2014 was issued and revised PPO No DE/corr/1159/2016 dated 23.12.2016 was also issued granting him rounded off disability element of pension @ 50%. Thus, applicant seems to be in receipt of revised service pension and disability element of pension.

7. During the course of hearing Shri Rajiv Tiwari, Sr. Accts Offr PCDA (P), Allahabad present in the Tribunal confirmed that applicant is in receipt of revised service and disability element of pension as per extant provisions on the subject.

8. In view of the above, since applicant is in receipt of his entitled dues, this O.A. being infructuous is dismissed.

9. No order as to costs.

10. Miscellaneous application(s), pending if any, stand disposed of.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

Dated: 11th January 2022.
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