

Court No. 3
(Ser No 7)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 553 of 2022

Friday, this the 13th day of January, 2023

“Hon’ble Mr. Justice Anil Kumar, Member (J)
Hon’ble Maj Gen Sanjay Singh, Member (A)”

No. 14266406N Ex Naik Bans Raj Son of Shri Shiv Jor, R/o Village :
Haidarganj, Post Office: Matehun, Sarar Urf Haidarganj District :
Ghazipur-233226 (UP).

..... Applicant

Ld. Counsel for the : **Shri R Chandra**, Advocate
Applicant

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi-11.
2. Chief of the Army Staff, Integrated Headquarters of Ministry of Defence (Army), DHQ-Post Office, New Delhi-11.
3. The Officer In-Charge Signal Records, PIN-908770, C/O 56 APO.
4. The Chief Controller Defence Accounts, Draupadi Ghat Allahabad (UP)-14.
5. Chief Manager, Punjab National Bank, CPPC, CDA (P) Complex Allahabad (UP).
6. Branch Manager, Punjab National Bank Bishweshwar Ganj Ghazipur (UP)-233001.

.....Respondents

Ld. Counsel for the : **Dr. Shailendra Sharma Atal**, Advocate
Respondents. for respondent No 1-4.
Shri Saket Srivastava, Advocate
for respondent No 5 and 6.

ORDER (ORAL)

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

(I) Hon'ble Tribunal may be pleased to set aside the Impugned Order dated 05/05/2021 (Annexure No. A-1).

(II) Hon'ble Tribunal may be pleased to direct the respondents to release service pension of the applicant from November 2007 and be continued with the interest at the rate of 18% per annum..

(III) Hon'ble Tribunal may be pleased further to direct PCDA (P) Allahabad to issue another PPO in respect of wife of the applicant of 50% share of service pension and arrear of service pension.

(IV) Respondent No. 5 and 5 be directed to release service pension 50% to applicant and 50% to his wife for life and arrear also be shared 50% to each.

(V) Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case.

2. Brief facts of the case are that the applicant was enrolled in the Army on 09.07.1985 and he was discharged from service w.e.f. 31.07.2007 (AN) after rendering more than 22 years service. He was granted service pension w.e.f. 01.08.2007 vide PPO No. S/024753/2007 (Army) dated 09.05.2007. In month of November, 2007 applicant's wife filed a case in learned family court, District-Mau (UP). On 25.10.2018 an order was passed by the learned family court for grant of 50% pension to his wife Smt Bindu Devi. Applicant's contention is that even after submission of family court's order to PCDA (P) Allahabad and his PDA i.e. Punjab National Bank, Bishweshwar Ganju, Ghazipur (UP) in the month of December, 2019, his pension and arrear was not credited to his account. On 28.09.2021 applicant submitted a representation to all concerned stating therein to grant 50% pension to his wife as per Court order dated 25.11.2018 but despite elapse of considerable period his pension could not be restored till date, hence this O.A.

3. Learned counsel for the applicant submitted that the applicant, based on family court's order dated 25.11.2018, submitted his consent to PCDA (P), Allahabad and PDA on affidavit dated 03.12.2019 to grant 50% pension to his wife, but even after submitting all relevant documents, his pension could not be released till date. It was further submitted that PCDA (P), Allahabad on 14.01.2020 approached Punjab National Bank (PNB), CPPC, Allahabad for compliance of family court order dated 25.10.2018 but in turn PNB CPPC wrote to them to provide family court order and PPO.

4. Learned counsel for the applicant further submitted that even after providing requisite documents, pension in respect of the applicant has not been credited to his account till date even after submitting his consent to grant 50% pension to his wife Smt Bindu Devi as per order dated 25.10.2018. He pleaded for issuance of directions to bank respondents to restore his pension alongwith arrears.

5. On the other hand respondent No 5 and 6 has filed counter affidavit and in that it has been submitted that after discharge from service the applicant was granted service pension vide PPO No S/024753/2007 (Army) dated 09.05.2007. He further submitted that consequent to receipt of PPO his pension for the month of August to October 2007 was credited to his account. It was further submitted that the applicant was required to furnish life certificate in the month of November, 2007 which being not furnished his pension from November, 2007 onwards could not be credited by PDA.

6. Learned counsel for the respondent No 5 and 6 further submitted that consequent to order dated 25.10.2018 passed by learned family court, 50% of pension is to be given to his wife. It was further submitted that after one year of passing of the aforesaid judgment, applicant in the month of

December 2019 approached PCDA (P), Allahabad for division of his pension between husband and wife. In regard to this his PDA intimated the applicant to complete other formalities so that pension could be restored but he did not turn up even after issuing various reminders in this regard. It was further submitted that the applicant failed to visit the PDA even after sending him last notice on 04.05.2022 vide which life certificate and copy of family court order dated 25.10.2018 was asked in addition to updation of KYC. The learned counsel pleaded for issuing directions to the applicant to visit his PDA so that necessary documentation formalities could be completed to restore his pension.

7. Heard Shri R Chandra, learned counsel for the applicant and Dr, Shailendra Sharma Atal, learned counsel for the respondent No 1 to 4 and Shri Saket Srivastava, learned counsel for the respondent No 5 and 6 and perused the record.

8. No. 14266406N Ex Nk Bans Raj was enrolled in the Army on 09.07.1985 and he was discharged from service w.e.f. 31.07.2007 (AN) after rendering more than 22 years service. He was granted service pension w.e.f. 01.08.2007 vide PPO No. S/024753/2007 (Army) dated 09.05.2007. In the month of November, 2007 applicant's wife Smt Bindu Devi filed a case in learned family court, District-Mau (UP) in which an order was passed on 25.10.2018 granting her 50% pension. The applicant was paid pension for the month of August, September and October, 2007 but due to non submission of life certificate his pension was stopped w.e.f. November, 2007.

9. The record shows that applicant submitted an affidavit dated 03.12.2019 to PCDA (P), Allahabad and his PDA in which he agreed to pay

50% of his pension to Smt Bindu Devi. A copy of Jeevan Praman dated 24.10.2020 is also on record (page 18 of the O.A.).

10. During the course of hearing on 16.12.2022 applicant was directed to visit his PDA i.e. Branch Manager, Punjab National Bank Bishweshwar Ganj Ghazipur (UP)-233001 for completion of formalities with regard to updation of his KYC and life certificate so that pension could be restored. The case was finally heard on 13.01.2023 and on a query being made as to why applicant did not visit his PDA, the learned counsel submitted that due to cold climate the applicant could not visit his PDA.

11. We find that PNB CPPC vide letter dated 05.05.2021 had informed PCDA (P), Allahabad that they are trying to get required documents from their circle office for payment of arrears but in our opinion the pension is held up for want of the following documents:-

- (i) Life certificate.
- (ii) Copy of order of family court dated 25.10.2018.
- (iii) Updation of KYC.

12. In view of the above, we direct the applicant to submit requisite documents to his PDA within a period of 15 days after receipt of a certified copy of this order. On receipt of the required documents from the applicant, the Branch Manager, Punjab National Bank, Bishweshwar Ganj Ghazipur (UP)-233001 shall credit the amount to applicant's account within a period of one week.

13. With the aforesaid directions, O.A. is disposed off.

14. No order as to costs.

15. Miscellaneous applications, pending if any, stand disposed of.

(Maj Gen Sanjay Singh)
Member (A)

Dated : 13.01.2023

rathore

(Justice Anil Kumar)
Member (J)