

Court No 2
RESERVED

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 684 of 2023

Tuesday, this the 16th day of April, 2024

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

Ser No JC757628-N Ex Subedar Maj (Hony Capt) Ram Gopal Singh, S/o Shri late Rameshwar Singh, resident of Himachal Khera, Post Office-Khirori, District-Raebareili (UP).

..... Applicant

Ld. Counsel for the Applicant : **Shri VP Pandey**, Advocate.
Shri RK Singh, Advocate

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi-110011.
2. The Chief of the Army Staff, Integrated Headquarters, Ministry of Defence (Army), South Block, New Delhi-110011.
3. Officer In-charge, Records, EME Records, PIN-900453, C/o 56 APO.
4. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Prayagraj-211014.

.....Respondents

Ld. Counsel for the Respondents. : **Shri RKS Chauhan**, Advocate
Central Govt. Counsel

ORDER

1. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by which the following prayers are made:-

(i) To issue/pass an order or direction to the respondents to revise commutation as per 7th Central Pay Commission (CPC) and pay the same to the applicant.

(ii) Any other relief as considered proper by this Hon'ble Tribunal be awarded in favour of the applicant.

(iii) Cost of the original application be awarded in favour of the applicant.

2. Brief facts of the case are that the applicant was enrolled in the Army (Corps of EME) on 27.11.1984 and was discharged from service w.e.f. 31.10.2017 (AN) on completion of his service limits under Rule 13 (3) I (i) of Army Rules, 1954. After discharge from service, he was paid service pension w.e.f. 01.11.2017 including disability pension vide PPOs and corrigendum PPOs dated 14.07.2017, 22.09.2017, 12.02.2019 and 01.05.2019. During the course of his service, the applicant had earlier submitted a petition dated 26.10.2017 for commutation of pension. Accordingly, LPC-cum-Data Sheet of the applicant was forwarded to PCDA (P), Prayagraj vide EME Records letter dated 09.02.2018 for grant of commutation by issuing corrigendum PPO. On 01.06.2020, the applicant again submitted petition for commutation instalment third and fourth as per 7th CPC, as such EME Records vide letter dated 16.07.2020 approached PCDA (P), Prayagraj for issuance of amended corrigendum PPO with additional commutation pension as per 7th CPC. Thereafter, certain reminders were sent by the Records for issuance of corrigendum PPO but there was no response from their office. On 16.07.2021, PCDA (P), Prayagraj intimated that application for additional commutation was received by their office after expiry of stipulated time period as per Circular 584 and also intimated that additional commutation is one time option at the time of revision in 7th CPC as per Govt order. Since the application submitted by the applicant was retained by PCDA (P), Prayagraj, as such EME Records vide letter dated 11.08.2023 had again forwarded certified

true copy of LPC-cum-Data Sheet dated 01.02.2018 duly vetted by PAO (OR), EME for issue of PPO duly sanctioning additional commutation pension in respect of the applicant. This O.A. has been filed for issuing directions to the respondents for revision of the commutation as per 7th CPC and issue amended corrigendum PPO.

3. Learned counsel for the applicant submitted that after discharge from service, the applicant had submitted representation dated 01.06.2020 (Annexure A-3) for grant of third and fourth instalment of commutation as per 7th CPC, but despite sending regular reminders and even after approaching IHQ of MoD (Army) on 01.02.2021, no action has been taken till date regarding grant of commutation amount. It was further submitted that in regard to this EME Records has written to PCDA (P), Prayagraj on 11.08.2023 but the respondents have neither released commutation amount nor has issued amended corrigendum PPO. He pleaded for grant of commutation amount as per 7th CPC and issue of corrigendum PPO.

4. On the other hand, learned counsel for the respondents submitted that after discharge from service, the applicant has been paid his dues as per his entitlement. He further submitted that based on applicant's petition dated 26.10.2017, LPC-cum-Data Sheet duly vetted was forwarded to PCDA (P), Prayagraj vide letter dated 09.02.2018 for grant of commutation by issuing corrigendum PPO. Thereafter, numerous correspondence have been made on the subject but PCDA (P), Prayagraj is not issuing corrigendum PPO for the reason best known to them.

5. Learned counsel for the respondents further submitted that vide letter dated 16.07.2021 PCDA (P), Prayagraj had intimated that 'additional commutation is one time option at the time of revision of 7th CPC as per Govt order'. It was further submitted that certified copy of LPC-cum-Data Sheet dated 01.02.2018 in respect of the applicant was forwarded to PCDA (P), Prayagraj

vide EME Records letter dated 11.08.2023 for issue of corrigendum PPO with additional commutation pension as per 7th CPC. He further submitted that now the issue with regard to issuance of corrigendum PPO and additional commutation pension rests with PCDA (P), Prayagraj.

6. Heard learned counsel for the parties and perused the record.

7. The applicant was enrolled in the Army on 27.11.1984 and he was discharged from service w.e.f. 31.10.2017 (AN) on completion of terms of engagement. Consequent to discharge from service, the applicant was paid service pension vide PPO dated 14.07.2017 which was revised from time to time.

The following dues were also paid to the applicant:-

- | | | |
|------|-------------------------------|------------------|
| (i) | Death-cum-retirement gratuity | -Rs 14,63,963.00 |
| (ii) | Commutated value of pension | -Rs 11,20,236.00 |

8. Petition dated 26.10.2017 was submitted by the applicant for grant of commutation amount as per 7th CPC and thereafter, series of correspondence were made in this regard, but respondent No 4 has not issued amended corrigendum PPO in this regard. Respondent No 3 i.e. EME Records has submitted certified true copy of LPC-cum-Data Sheet dated 01.02.2018 duly vetted by PAO (OR) to PCDA (P), Prayagraj vide letter dated 11.08.2023 for issuance of corrigendum PPO and correct disbursement of commuted value of pension to the applicant but the same is still pending with PCDA (P), Prayagraj. For convenience sake, copy of letter dated 11.08.2023 is reproduced as under:-

- “1. Ref your letter No G-2/Gp-V/Legal Dated 11 Jul 2023 (copy encl).
2. It is intimated that as per service records, case for commutation of pension in respect of JC-757628-N Ex Sub Maj (Hony Capt) Ram Gopal Singh was correctly processed to your office vide EME Records letter No 2815/SP (Rev)/7th CPC/Pen dated 09 Feb 2018. Thereafter, despite numerous correspondences vide following letters (copy encl), PPO for commutation of pension has not been received:-
 - (i) No 2815/SP (Rev)/7th CPC/Pen dated 16 Jul 2020.
 - (ii) No 2815/SP (Rev)/7th CPC/Pen dated 25 Sep 2020.
 - (iii) No 2815/SP (Rev)/7th CPC/Pen dated 31 Mar 2021.
 - (iv) No 2815/SP (Rev)/7th CPC/Pen dated 07 Jun 2021.

3. *In this regard, a CTC of LPC-Cum-Data Sheet dated 01 Feb 2018 duly signed by PAO (OR) EME is again forwarded to issue PPO for correct commutation of Pension in order to avoid unnecessary litigation and penalty by the court at this belated stage please.*

4. *Apropos, the subject case is with your office since last five years wherein EME Records and ESM have already asked your office numerous times to issue revised PPO. It is pertinent to mention that inordinate delay and unnecessary observations are resulting into court case and huge expenditure to the Govt/Exchequer.”*

9. During the course of hearing, Shri Rajiv Tiwari, Accts Offr, PCDA (P), Prayagraj admitted receipt of letter dated 11.08.2023 and conceded that corrigendum PPO is likely to be issued soon.

10. Since grievance of the applicant is being redressed as conceded by the representative of the PCDA (P), Prayagraj, respondents are directed to issue corrigendum PPO within a period of two months on receipt of a certified copy of this order. The respondents are further directed to disburse correct amount of commuted value of pension to the applicant as per 7th CPC within a period of two months. Default will invite interest @ 8% p.a.

11. O.A. is **allowed**, accordingly.

12. No order as to costs.

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

(Maj Gen Sanjay Singh)
Member (A)

Dated: 16.04.2024
rathore

(Justice Anil Kumar)
Member (J)

RESERVED

(Court No 2)

Form No. 4

{See rule 11(1)}
ORDER SHEETARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW

O.A. No. 684 of 2023

Ex Sub Maj (Hon Lt) Ram Gopal Singh

Applicant

By Legal Practitioner for the Applicant : Shri **VP Pandey and Shri RK Singh**, Advocates

Versus

Union of India & Ors

Respondents

By Legal Practitioner for Respondents : Shri **RKS Chauhan**, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>16.04.2024</u> <u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Judgment pronounced. O.A. No. 684 of 2023 is allowed. For orders, see our judgment and order passed on separate sheets.</p> <p>(Maj Gen Sanjay Singh) Member (A) <i>rathore</i></p> <p>(Justice Anil Kumar) Member (J)</p>