

Reserved
Court No. 1

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 398 of 2023

Thursday, this the 29th day of February, 2024

“Hon’ble Mr. Justice Anil Kumar, Member (J)
Hon’ble Vice Admiral Atul Kumar Jain, Member (A)”

No. 1429816 Ex. Spr. Lakshman Singh, son of Later Jairam Singh, Resident of House N. 68A, Vyavhara, Ialganj, Azamgarh (UP)-276202.

..... **Applicant**

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

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. Officer-in-Charge, Bengal Engineer Group Records, PIN-908779, C/o 56 APO.
4. The Chief Controller of Defence Accounts, Draupadi Ghat, Allahabad (UP).
5. Chief Manager, Union Bank of India, CPPC, 2nd Floor, S-24, Sri Aurobindo Marg, Block A, Green Park Extension, Green Park, New Delhi-110016.
6. Branch Manager, Union Bank of India, Lalganj Katgarh Bazar, Azamgarh-02 (UP).

.....**Respondents**

Ld. Counsel for the Respondents. : **Shri Bipin Kumar Singh**, Advocate
Central Govt. Standing Counsel for
Respondent Nos. 1 to 4
None for respondent Nos. 5 and 6

ORDER

“Per Hon’ble Mr. Justice Anil Kumar, Member (J)”

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

- (I) *Hon’ble Tribunal may be pleased to set aside the Impugned Order dated 15.02.2023 (Annexure No. A-1).*
- (II) *Hon’ble Tribunal may be pleased to direct the respondents to revise service element w.e.f. 01.01.2006 and disability element w.e.f. 01.01.1996 as per Circular issued by CDA (P), Allahabad time to time with the interest at the rate of 18% per annum.*
- (III) *Hon’ble Tribunal may be pleased to further to direct respondents to grant additional interest on the arrear as per CDA (P) Allahabad Circular No. 165 and RBI Master Circular.*
- (IV) *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. Briefly stated, applicant was enrolled in the Indian Army on 12.12.1962 and invalided out from service on 16.11.1966 in Low Medical Category after rendering 03 years and 05 months of service under Rule 13 (3) Item III (i) of the Army Rules, 1954. At the time of invalidation from service, the Release Medical Board (RMB) held at Military Hospital, Lucknow on 17.07.1966 assessed

his disability '**TUBER CULOID LEPROSY**' @40% for two years as **aggravated by service**. According to the applicant, the applicant was granted 40% disability since 17.11.1966 vide CDA (P) PPO No. D/5148/1967 for five years. Further, he was granted after RSMB for the period 05 years vide PPO No. D/RA/012803/1973. Further, after RSMB, he was granted disability pension for life vide PPO No. D/RA/3539/1993. The applicant was granted Service Element for life but Disability Element was stopped w.e.f. 01.01.1996 without giving any reason whereas disability element was granted for life in PPO No. D/RA/4539/1993. The applicant submitted his giveance before respondent Nos. 5 and 6 on 15.10.2022 and requested to revise his service element since 01.01.2006 to till date and disability since 01.01.1996 to till date as per Circulars issued by CDA (P) Allahabad time to time. The applicant served Legal Notice dated 16.01.2023 through his Counsel to the respondents for revision of his disability pension. The applicant also submitted his grievances on 01.02.2023 on Centralized Public Grievances Redress and Monitoring System (CPGRAMS) for revision of his pension. On 07.02.203 the applicant submitted his grievance before respondent Nos. 5 and 6 and requested to revise his service element since 01.01.2006 to till date and disability element since 01.01.1996 to till date as per Circulars issued by CDA (P), Allahabad from time to time. On 10.02.2023, CDEA (P), Allahaabd directed respondent Nos. 5 and

6 to revise applicant's service element and disability element in terms of Vth CPC revision, Circular No. 568, 555, 570, 585 and 596 because applicant was entitled for its. On 15.02.2023, respondent No. 5 intimated that there was no PPO of disability element in their records but regarding revision of service element their reply is silent. It is in this perspective that the applicant has preferred the present Original Application.

3. Learned Counsel for the applicant pleaded that inspite of various Government India orders, Circulars issued by the CDA (P), Allahabad the respondent Nos. 5 and 6 are not revising the applicant's disability pension which includes service element as well as disability element. He further submitted that the applicant is entitled for revision of disability pension as per Circulars issued by CDA (P), Allahabad and CPCs as declared by Government of India from time to time.

4. On the other hand, Ld. Counsel for the respondent Nos. 1 to 4 submitted that on scrutiny, it has been found that service records in respect of applicant has already been destroyed by burning after expiry of its retention period in accordance with para 592 to 596 of Regulations for the Army, 1987 (Revised) i.e. 50 years as a pensioner. However, from digitized copy, it is found that applicant was enrolled in the Army on 19.12.1962 and was invalided out from service on 17.03.1966 under Rule 13(3) Item III (i) of the Army Rule, 1954 for the disability 'TUBER CULOID LEPROSY' whereas

he has been granted service element and disability element @25 for two years. Further, medical authority assessed his disability @40% for life. Accordingly, PCDA (P) Allahabad issued corrigendum PPO No. D/RA/4539/1993 notifying disability element @40% for life. Later, a Legal Notice No. AKS/LN/LAKSHMAN SINGH dated 06.01.2023 served by Advocate Akhilesh Kumar Sharma, on behalf of the applicant for revision of service element and disability was received by BEG Records Roorkee. Since, CPPC/Pension Disbursing Agency (PDA) of applicant is empowered to revise service and disability element time to time as per Government orders/PCDEA (P) Allahabad Circulars and relief sought in Legal Notice solely pertain to them. BEG Records, Roorkee vide letter No. Pen Legal/Notice/24513/21/R dated 03.02.2023 approached CPPC of applicant i.e. CPPC, Union Bank of India, Green Park, New Delhi to do the needful at their end/offering their comments direct to the applicant. Also, PCDA (P), Allahabad has directed CPPC of the applicant under intimation to the applicant and BEG Records Roorkee vide letter their letter No. AT/PSBV/UBI/CPPC/2023 dated 10.02.2023 to regulate his service and disability element as per polices/circulars. This fact has already been conveyed to the applicant vide BEG Records letter dated 23.06.2023 with a copy of his CPPC. Further, BEG Records Roorkee vide letter dated 24.06.2023 has again approached the CPPC along with copy of PPO and other connected documents for

early revision of service element and to release disability element, where no reply has been received from CPPC, Union Bank of India, Green Park, New Delhi.

5. Notices were issued to the respondent Nos. 5 and 6 but they did not turn up, hence matter has been proceeded ex-parte against them vide order dated 16.01.2024.

6. We have heard Ld. Counsel for the applicant as also Ld. Counsel for the respondent Nos. 1 to 4 and gone through the records including the letter No. AT/PSB/VUBI/CPPC/2023 dated 10.02.2023 issued by the Office of the Principal Controller of Defence Accounts (Pension), Prayagraj and we find that inspite of various Government of India orders, Circulars issued by the CDA (P), Allahabad from time to time, the respondent Nos. 5 and 6 are not revising the applicant's disability pension.

7. In view of the above, the **Original Application No. 398 of 2023** deserves to be allowed, hence **allowed**. The respondent Nos. 5 and 6 are directed to revise the applicant's Service Element of Disability Pension with effect from 01.01.2006 and Disability Element of Disability Pension with effect from 01.01.1996 by following the Circulars issued by the Principal Controller of Defence Accounts (Pension), Prayagraj specially mentioned in letter No.AT/PSB/VUBI/CPPC/2023 dated 10.02.2023 issued by the Office of the Principal Controller of Defence Accounts (Pension),

Prayagraj and pay the interest on arrears, if admissible, in accordance with CDA (P) Circular No. 165 and RBI Master Circular. Respondents are further directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till the actual payment.

8. No order as to costs.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Anil Kumar)
Member (J)

Dated : 29 February, 2024

AKD/-