

Reserved
Court No. 1

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 768 of 2023

Thursday, this the 20th day of February, 2025

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

Ex. Sub. Maj. Vibhishan Yadav (JC-724081W), Son of Shri Ram Pyare Yadav, resident of Village – Tamatha, Post Office – Dubari, District – Mau (Uttar Pradesh)-221601.

..... Applicant

Ld. Counsel for the : **Shri Yashpal Singh**, Advocate
Applicant

Versus

1. Union of India, through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Officer-in-Charge Records, Army Ordinance Corps, Post Box No. 3, Trimulgherry Post, Secunderabad-15.
3. Principal Controller of Defence Accounts (Pensions), Draupadi Ghat, Prayagraj-211014.
4. Chief Manager, Union Bank of India, Centralized Pension Processing Centre, Government Business Division, PBOD, 12th Floor, Union Bank Bhavan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai-400021.
5. Branch Manager, Union Bank of India, Madhuban Branch, Bank Code – 534749, Mau (U.P.).

.....Respondents

Ld. Counsel for the : **Ms. Preeti Mala**, Advocate
Respondent Nos. 1 to 3. Central Govt. Standing Counsel
Assisted by
Shri Rajeev Kumar Tiwari,
Senior Accounts Officers,
Office of PCDA (Army)

Ld. Counsel for the : **Shri Ankit Kumar Singh**, Advocate
Respondent Nos. 4 & 5.

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 :-

- (a) *Issue/pass an order directing the respondents to consider case of the applicant for grant of disability element of pension in terms of the Corrigendum PPO No. S/CORR/29031/2014 issued by the Office of the Principal Controller of Defence Accounts (Pensions), Prayagraj and pay the same from the next date of discharge, i.e. 01.08.2013, including arrears with interest; and also the benefit of rounding off and other consequential benefits of ex-serviceman.*
- (b) *Issue/pass any other order or direction as this Hon’ble Tribunal may deem fit in the circumstances of the case.*
- (c) *Allow this Original Application with cost.*

2. Briefly stated, applicant was enrolled in the Army Ordnance Corps of Indian Army on 21.03.1983 and discharged on 31.07.2013 in Low Medical Category ‘**PSORIASIS VULGARIS**’ under Rule 13 (3) Item I (iii) (a) of the Army Rules, 1954 for the disability. The applicant is in receipt of service pension vide PCDA (P), Prayagraj PPO No. S/14035/2014 (Army) dated 03.02.2014. Later on, PCDA (P), Prayagraj issued Corrigendum PPO

No.S/CORR/29031/2014 dated 11.04.2014 by which the applicant has been sanctioned Disability Element of Disability Pension from the date of retirement. Despite issue of Corrigendum PPO No.S/CORR/29031/2014 sanctioning disability element of disability pension the applicant was not being paid the same by the Pension Disbursing Authority/Bank (Respondent Nos. 4 and 5). The applicant repeatedly made contact to the respondents for redressal of his grievance. On the representation of applicant a letter dated 04.03.2020 was issued by the respondent No. 3 to the Bank concerned to take necessary steps for payment of disability element of disability pension to the applicant. But even then the applicant is neither getting the disability element nor any reason has been assigned for non-payment. It is in this perspective that the applicant has preferred the present Original Application.

3. Learned Counsel for the applicant pleaded that despite issue of the Corrigendum PPO No. S/CORR/29031/2014 dated 11.04.2014 by the respondent No. 3 the applicant is not getting disability element of disability pension till date without any reason. He further submitted that the applicant is entitled for the policy letter dated 31.01.2001 issued by the Ministry of Defence, Government of India and the law laid down by the Hon'ble Apex Court. The applicant is also entitled for the benefit of rounding off of disability element of disability pension.

4. On the other hand, Ld. Counsel for the respondent Nos.1 to 3 conceded that the respondent No. 3 has issued Corrigendum PPO No. S/CORR/29031/2014 dated 11.04.2014 by which disability element of disability pension has been sanctioned to the applicant for life from the next date of his discharge. She further submitted that after the issuance of Corrigendum PPO by the respondent No. 3 it is the responsibility of the Pension Disbursing Agency of the applicant i.e. respondent Nos. 4 and 5 to pay the disability element of disability pension to the applicant. Ld. Counsel for the respondent Nos. 1 to 3 further submitted that applicant's disability element of disability pension revision claim has been submitted to the respondent No. 3 vide letter No.C/JC724081W/Pen/Dis-II dated 20.10.2023 by the AOC Records vide letters No. C/JC724081W/DP/CC/LC dated 10.01.2024 and even number 05.03.2024, however, respondent No. 3 has asked for '**Non Payment Certificate**' on Corrigendum PPO No.S/CORR/29031/2014 dated 11.04.2014 from Pension Disbursing Authority (PDA)/Bank for further processing of the claim but the same has not been received by the respondent No. 3.

5. Ld. Counsel for the respondent Nos. 4 and 5 submitted that the matter of disability pension is migrated to SPARSH (PCDA, Pension) and as such the applicant may approach SPARSH/PCDA (Pensions), for clarification of the query. The respondent Nos. 4 and 5 have no power to sanction the disability pension, nor has any

power to withhold the disability pension or any amount credited in the account of the applicant. As per the records only the service pension/service element was sanctioned to the applicant. The respondent No. 4 and 5 have filed copy of PPO No.187201401474 (Original PPO No.SO140352014) (Latest Corrigendum PPO No. S/CORR290312014) and stated that in the aforesaid PPO the pension under the *“disability element and war injury element is zero”* has been mentioned. The respondent Nos. 4 and 5 make payment of pension only on the basis of sanctioned element mentioned in the PPO. Only the service element has been sanctioned to the applicant and the disability element and war injury element is zero.

5. We have heard Ld. Counsel for the applicant, Ld. Counsel for the respondent Nos. 1 to 3 and respondent Nos. 4 and 5 and have also gone through the records.

6. Upon hearing submissions of Ld. Counsel for the parties we find that respondent No. 3 has issued Corrigendum PPO No. S/CORR/29031/2014 dated 11.04.2014 by which the applicant has been granted disability element of disability pension. The respondent Nos. 1 to 3 have conceded that now the disability pension account has been migrated to SPARSH [PCDA (Pension), Prayagraj] and for making payments of disability element of disability pension to the applicant **‘Non Payment Certificate’** is

required by the respondent No. 3 from the Pension Disbursing Authority i.e. Bank/respondent Nos. 4 and 5.

7. In view of the above, with regard to payment of disability element of disability pension to the applicant, respondent Nos. 4 and 5 are directed to issue '**Non Payment Certificate**' and send it to the respondent No. 3 within a period of two months. On receipt of '**Non Payment Certificate**' from the respondent Nos. 4 and 5, the Respondent No. 3 i.e. PCDA (Pension), Prayagraj is directed to make payment of disability element of disability pension to the applicant from the next date of his discharge i.e. 01.08.2013 along with interest @8% per annum within a period of next two months. Default will invite further interest @8% per annum till the actual payment.

8. With the above direction Original Application is **disposed off** finally.

9. No order as to costs.

(Vice Admiral Atul Kumar Jain)
Member (A)

(Justice Anil Kumar)
Member (J)

Dated : 20 February, 2025

AKD/-