

Court No. 1**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No. 257 of 2019**Monday, this the 19th day of July, 2021**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)Hony Lt. Narsingh Narayan, JC-236418X,
S/o Sri Hanuman Singh
R/o House No. 688/4, Hathiya Nala,
Distt – Sultanpur (UP) – 228001**.... Applicant**Ld. Counsel for the Applicant : **Shri Vijay Kumar Pandey**, Advocate.

Versus

1. Union of India, Through Secretary to the Government of India, Ministry of Defence, South Block, R.K. Puram, New Delhi-110011.
2. Addl Dte Gen of Manpower (Policy & Planning/MP 5(b), Adjutant General's Branch, Integrated HQ of MoD (Army), Wing No. 3, Ground Floor, West Block-III, R.K. Puram, New Delhi – 110066.
3. OIC Records, Records AC, Ahmednagar.
4. PCDA (O) Golibar Maidan, Pune-441001.
5. PCDA (P), Allahabad (UP).

... RespondentsLd. Counsel for the Respondents : **Dr. Shailendra Sharma Atal**,
Central Govt Counsel**ORDER**

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

- “(i) That this Hon’ble Tribunal may kindly be pleased to direct the opposite parties to revise the pension of the applicant to the rank of Hony Lt. w.e.f. 01.01.2006 with all consequential benefits and, provide the interest on the aforesaid delayed amount of pension with 18% p.a. since due date to actual date of payment.
- (ii) That this Hon’ble Tribunal may kindly be pleased to award the cost of Rs. 2,20,000/- (Rs. Two lac twenty thousand) to the applicant against the opposite parties.
- (iii) Any other beneficial relief which this Hon’ble tribunal deems fit and reasonable be also awarded to the applicant against the respondents.”

2. Brief facts of the case are that applicant was enrolled in the Army on 04.12.1971 and was discharged from service on 30.04.2005 (AN) under Rule 13 (3) I (1) (a) of Army Rules, 1954 on completion of his terms of engagement. The applicant was conferred with Honorary rank of Lieutenant on retirement w.e.f. 01.05.2005. The applicant has rendered 33 years, 04 months and 28 days of service and is in receipt of service pension in the rank of Risaldar Major vide PPO dated 03.05.2005. The applicant has filed the present Original Application for grant of pension of Hony Lt.

3. Learned counsel for the applicant submitted that applicant was awarded honorary rank of Lieutenant on 29.09.2005 after retirement from service. He further said that Govt. of India, Ministry of Defence had issued a letter dated 11.11.2008 for granting service pension to the individuals who have granted the honorary rank of Lt. but the applicant has not been given pensionary benefits. The applicant sent so many letters to the respondents to revise pension but no fruitful

result came out. The respondents have not granted the revised pension in the rank of Hony Lt. to the applicant w.e.f. 01.01.2006. Learned counsel for the applicant also placed reliance on the judgment of AFT (RB) Jaipur in O.A. No. 49 of 2013, **Hony Lt Nahar Singh vs. Union of India & Ors**, decided on 11.04.2016 and pleaded to grant revised pension of Hony Lt. to the applicant also.

4. On the other hand, learned counsel for the respondents submitted that applicant was conferred honorary rank of Lieutenant after retirement. As per Para 133 of Pension Regulations for the Army, 1961 (Part-1), as emended vide Para 48 (a) of Pension Regulations for the Army, 2008 (Part-1), *“service pension shall be assessed on the basis of the rank actually held by an individual regardless of whether it is held in a substantive or paid acting capacity, and the lowest group for which he is paid, during the last 10 months of his service”*. However, in terms of Para 179 of Regulations for the Army, 1987 (Revised Edition), *“a step of honorary rank on retirement with the title of honorary Risaldar Major or Subedar Major, Risaldar or Subedar may be bestowed on JCOs, who are recommended by the Chief of Army Staff, as specially deserving of the honour. In very exceptional cases JCOs who have served with special distinction and who have attained in the rank of Risaldar Major or Subedar Major or have held appointment of ADC to the President, a Governor or the Chief of the Army Staff or GOC-in-C command or who have been awarded the PVC/VC/MVC or VrC/MC may be granted the honorary rank of Capt or Lieutenant on retirement, if*

