

Court No. 1**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No 819 of 2021**Thursday, this the 7th day of July, 2022**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)No. 6909472-Y Hony Nb Sub Bhagwati Prasad Singh (Retd)
S/o Shri (Late) Angad Prasad
R/o Vill – Pahi Hardo, PO – Bighapur,
Distt – Unnao (UP) – 229503

..... Applicant

Ld. Counsel for the Applicant: **Shri Ravi Kumar Yadav**, Advocate

Versus

1. Union of India, through Secretary, Ministry of Defence (Army), South Block, New Delhi.
2. Chief of the Army Staff, Integrated Headquarter of Ministry of Defence (Army), South Block, New Delhi – 110011.
3. The Officer-in-charge, AOC Records, Army Ordnance Corps, PB No. 3 Trimulgherry, Secunderabad - 500015.
4. PCDA (P) (Army), Draupadighat, Allahabad – 211014 (UP).
5. The Chief Manager, CPPC Punjab National Bank, CDA Complex, Draupadhi Ghat, Allahabad – 211014.
6. The Manager, Punjab National Bank Bighapur, NH-232A, Unnao-Raebareli Rd, District – Unnao (UP) – 209865.

..... Respondents

Ld. Counsel for the Respondents : **Mrs. Deepti P Bajpai**,
Central Govt Counsel &
Shri Yogesh Chandra Bhatt,
Learned Counsel for Respondents
No. 5&6 (Bank)**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 for the following reliefs:-

- “(A) To issue order or directions to the respondents to grant actual arrears of revised pension to the applicant in terms of Circular No. 631 alongwith due drawn statement and suitable interest within time limit as deemed fit by the Hon’ble Tribunal.
- (B) Any other relief as considered proper by the Hon’ble Tribunal be awarded in favour of the applicant.”

2. The factual matrix on record is that the applicant was enrolled in the Army on 05.01.1976 and was discharged from service on 31.01.2000 (AN) on completion of service limit under Rule 13 (3) III (i) of Army Rules, 1954 after serving 24 years and 27 days of service. The applicant was issued PPO dated 13.12.1999 in the rank of Havildar which was later on revised in the rank of Hony Nb Sub. The applicant has been extended the benefits for revision of service pension of Hony rank of Naib Subedar w.e.f. 01.01.2006 and arrears of service pension has been paid to the applicant. The applicant had preferred a representation dated 28.02.2021 for revision of his service pension as per PCDA (P) Allahabad circular No. 631 dated 05.03.2020 which has been done by the PDA of the applicant and arrears of Rs. 1,38,542/- has been paid to the applicant in Sept. 2021. The applicant has filed the present Original Application for revision of his pension claiming more arrears.

3. Learned counsel for the applicant submitted that applicant was discharged from the service on 31.01.2000 after rendering 24 years and 27 days of service and later on he was granted Hony rank of Nb Sub on 15.08.2000. The applicant became entitled to arrears of Hony Nb Sub from 01.01.2006 to 30.06.2014 in terms of Circular No. 631

dated 05.03.2020 wherein a revised table of scale of pension in respect of Havildars granted Hony Nb Sub prior to 2006 was annexed. The applicant became entitled to get revised pension @ Rs. 8330/- w.e.f. 01.01.2006 alongwith arrears but PDA has granted arrears of Rs. 1,38,542/- only which is less than the actual entitlement. He further submitted that applicant is getting revised pension correctly as per recommendation of 7th CPC w.e.f. 01.01.2016 and there is no anomaly from 01.01.2016 onwards but applicant has not been paid actual arrears due to him in terms of Circular No. 631 by the PDA (Respondent No. 6).

4. Learned counsel for the respondents submitted that as per Govt. of India, Ministry of Defence letter dated 12.06.2009, Pre-01.01.2006 retirees have been extended the benefits for revision of service pension of Havildar granted Hony rank of Naib Subedar w.e.f. 01.01.2006, 01.07.2009 and 27.09.2012, therefore, applicant is also entitled for the benefit of provisions of Govt. of India letter dated 12.06.2009. Based on the ibid policy, PCDA (P) Allahabad has directed all PDAs to revise service pension of affected Havildars as per Circular No. 631 dated 05.03.2020. Accordingly, service pension of the applicant has been revised @ Rs. 8330/- w.e.f. 01.01.2016 vide Corrigendum PPO dated 27.05.2020.

5. Learned counsel for the respondents further submitted that applicant had submitted a petition dated 28.02.2021 to his PDA, i.e. Punjab National Bank, Bighapur, Unnao regarding non crediting the arrears of revised pension of Hony Nb Sub @ Rs. 8330/- w.e.f. 01.01.2006. The PDA has paid arrears of Rs. 1,38,542/- to the

applicant but he is not satisfied with calculation stating that he has not been paid complete arrears due to him. She also submitted that for payment of arrears, applicant is advised to approach his PDA for correct calculation/revision of his service pension.

6. Learned counsel for the Bank (Respondent No. 5 & 6) submitted that applicant has already been paid the arrears of revised pension in the rank of Hony Nb Sub not only for the period from 01.01.2006 to 30.06.2014 in pursuance to Circular No. 631 but thereafter also for the period from 01.07.2014 to 31.12.2015 in pursuance to Circular No. 555 and from 01.01.2016 to 01.09.2021 as per 7th CPC. Accordingly, a sum of Rs. 1,38,541.52, due towards arrears, has already been paid in his pension account in the month of Sept. 2021.

7. He further submitted that statement of arrears filed by the applicant alongwith O.A. (Annexure A-1, Page-9) showing arrears amounting to Rs. 2,44,896/- for the period from 01.01.2006 to 30.06.2014 is incorrect which can be seen after multiplying/calculating last two columns of due and drawn statement. Hence, there is no discrepancy in calculating the arrears of the applicant by the PDA. The applicant has wrongly averred that Bank has not provided the copy of Due/Drawn Statement to the applicant whereas the complete information has been provided to the applicant. The prayer of the applicant for revision of his pension is not tenable in the eyes of law and O.A. deserves to be dismissed being misconceived.

8. We have heard learned counsel for the parties and have perused the record.

9. We observe that by Due and Drawn Statement made by the PDA of the applicant (Punjab National Bank) from 01.01.2006 to 01.09.2021, filed alongwith counter affidavit, the applicant has been paid a total amount of Rs. 30,06,201/- towards his pension, whereas his total pension works out to Rs. 31,44,743/- and thus, a sum of Rs. 1,38,541.52 was due against arrears of pension which has already been paid to the applicant in Sept. 2021. However, as per applicant, an amount of Rs. 2,44,895/- is due to him as arrears from 01.01.2006 to 30.06.2014 which seems incorrect by respondent No. 5 & 6. Thus, after perusing Due and Drawn Statement made by Bank and the applicant, arrears of Rs. 1,38,542/- upto Sept. 2021 due to the applicant seems correct which has already been paid to him. Thus, there seems no discrepancy in calculating the arrears of the applicant and relief prayed by the applicant towards payment of less arrears of revised pension is rejected.

10. In the result, we do not find any discrepancy or inaccuracy in calculation/granting of arrears of revised pension in the rank of Hony Nb Sub to the applicant. The Original Application deserves to be dismissed. It is accordingly **dismissed**.

11. No order as to cost.

12. Pending Misc. Application(s), if any, shall stand disposed off.

(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)
Member (A) Member (J)

Dated: July, 2022
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