

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No 402 of 2020**Monday, this the 1<sup>st</sup> day of March, 2021**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**  
**Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)**Sub Major/Hony Lt./Hony Capt. Satya Narain Singh, JC-0052882F  
S/o Sri Ram Lakhan Singh  
R/o House No. 1180, Arun Bhawan Sirwara Road,  
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 Record, Records Signals, Jabalpur.
4. PCDA (O), Golibar Maidan, Pune-441001.

..... Respondents

Ld. Counsel for the Respondents : **Shri R.C. Shukla**,  
Central Govt Counsel.**ORDER**

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:-

- “(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 Captain 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 22.08.1953 and was discharged from service 01.09.1985 after rendering about 32 years of service. After retirement, applicant was granted honorary rank of Captain on the occasion of Republic Day (26 January 1986). Applicant is in receipt of pension of Hony Lt. The present Original Application has been filed by the applicant for grant of pension of Hony Captain.

3. Learned counsel for the applicant submitted that as per Govt. of India, Ministry of Defence letter dated 11.11.2008, applicant is entitled for the pension of honorary rank of Captain. In this regard, applicant submitted several letters dated 25.06.2018, 05.02.2018, 20.12.2017, 27.04.2017, 24.11.2016, 16.02.2016, 13.01.2015, 24.10.2015, 17.03.2014, 27.08.2013 & 10.11.2012 to the respondents for grant of service pension of honorary rank of Captain but no fruitful result came out. It is violation of Article 14, 16 & 21 of the Constitution of India and pleaded that applicant be granted service pension of honorary rank of Captain.

4. On the other hand, learned counsel for the respondents submitted that applicant was granted honorary rank of Lieutenant in active service on 15.08.1985 and accordingly, he was granted service pension of Hony Lt. vide PPO No. S/C/4341/86 dated 07.03.1986. The service pension of the applicant was further revised as per policy issued by Government of India, Ministry of Defence on the subject from time to time. He further submitted that applicant was granted honorary rank of Captain after retirement on 26.01.1986 vide Signals Records Part II Order No. 30/08/86. There is no provision in the Army to grant monetary benefits to Sub Maj & Hony Lt. Who has been granted honorary rank of Captain after retirement as it is a kind of honour. Since the JCO has not rendered active service in the rank of honorary Captain, hence, he is not entitled for pay and allowances and pensionary benefits for the honorary rank of Captain as per Para 133 of Pension Regulation for the Army (Part-1), 1961 read in conjunction with Para 48(a) of Pension Regulation for the Army (Part-1), 2008, "**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 active capacity, and the lowest group for which he is paid, during the last 10 months of his service.**". He pleaded for dismissal of the O.A.

5. We have perused the records and analysed the submissions of both the counsels and find that applicant has been granted honorary rank of Captain after retirement from service and not during the active service, hence, as per existing rules and regulations, applicant is not

entitled for the pension of honorary Captain. Hence, his prayer has no force.

6. In view of above, Original Application is devoid of merit and is liable to be dismissed. It is accordingly **dismissed**.

7. No order as to costs.

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

Dated: March, 2021  
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