

Court No. 1**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION No. 860 of 2021**Friday, this the 25th day of March, 2022**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

Ramadheen (No 13919008X Ex Naik (TS)) son of Sri Lalta Prasad, R/o Village Ramganj, Post Office-Gursaiganj, District-Farrukhabad (UP).

..... Applicant

Learned counsel for the :**Shri Ashok Kumar**, Advocate
Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, Delhi-110011.
2. Officer-in-Charge Records, Medical Corps, PIN-900450, C/o 56 APO.
3. Principal Controller of Defence Accounts (Pension), Draupadi Ghat, Allahabad-211014.
4. Senior Treasury Officer, Treasury Office, Farrukhabad (UP).

.....Respondents

Learned counsel for the Respondents. :**Shri Rajeev Narayan Pandey**,
Central Govt. Counsel

ORDER (Oral)

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

(a) This Hon'ble Court may graciously be pleased to direct the respondents to ensures the payment of correct pension its arrear and usual interest @ 12% per annum to the applicant for the post of Naik instead of Sepoy w.e.f. 01.03.1987 also as per circulars dated 04.02.2016 and 31.10.2016 issued by the respondent No 3 as well as the order dated 05.12.2020 passed by the respondent No 2.

(b) This Hon'ble Court may further be pleased to pass such other and/or further order as deem fit, proper and necessary in the circumstances of this case.

(c) Award costs to the applicant.

2. Counter affidavit filed by the respondents is taken on record.

3. Brief facts of the case are that the applicant was enrolled in the Army Medical Corps (AMC) on 10.09.1969. During the course of his service he was promoted to the rank of Naik (TS) w.e.f. 09.10.1985. He was discharged from service w.e.f. 01.03.1987 (FN) after completion of his terms of engagement under Rule 13 (3) III (i) of Army Rules, 1954. He was granted service pension in the rank of Sepoy vide PPO No S/017208/1987 (Army) dated 09.03.1987. In the year 2020 on getting to know that despite having retired in the rank of Naik (TS) he is drawing pension of Sepoy w.e.f. the date of his discharge, he submitted an application dated 16.10.2020 followed by a reminder dated 10.11.2020 for rectifying the same. In response to this Records AMC approached the Treasury Office, Farrukhabad vide letter dated 05.12.2020 to grant him pension in the rank of Nk (TS). The Treasury Office vide letter dated 08.04.2021 intimated the AMC Records that in absence of correigendum PPO they are unable to disburse pension in the rank of Nk (TS).

4. Submission of learned counsel for the applicant is that since the applicant was retired in the rank of Nk (TS) as mentioned in the discharge book (Annexure A-1), he is entitled to service pension in the rank of Nk (TS) and not in the rank of Sepoy which is being paid to him vide PPO No. S/017208/1987 (Army) dated 09.03.1987. He further submitted that though in response to his letter dated 16.10.2020 Records AMC has written to the Treasury Office, Farrukhabad but the Treasury Office has shown its inability to grant service pension in the rank of Nk (TS) in absence of a corrigendum PPO. The learned counsel prayed for issue of corrigendum of PPO and for grant of service pension in the rank of Nk (TS).

5. On the other hand, learned counsel for the respondents admitted that the applicant was discharged from service in the rank of Nk (TS) after serving in the Army for 17 years, 04 months and 22 days. His further submission is that AMC Records vide letter dated 03.02.2022 has already taken up a case with PAO (OR) AMC for processing LPC-cum-data alongwith sheet roll and after vetting the same shall be submitted to PCDA (P), Allahabad for issue of amended corrigendum PPO notifying therein his correct rank.

6. We have heard Shri Ashok Kumar, learned counsel for the applicant and Shri Rajeev Narayan Pandey, learned counsel for the respondents and perused the material placed on record.

7. It is undisputed fact of the parties that the applicant is in receipt of service pension vide PPO No S/017208/1987 (Army) dated 09.03.1987 in the rank of Sepoy. It is also not disputed that the applicant is entitled to receive service pension in the rank of Nk (TS) which rank has been endorsed in his discharge book and admitted by the respondents. The

Records AMC had approached the Treasury Office, Farrukhabad for release of his pension in the rank of Nk (TS) but they in turn had expressed their inability to grant service pension in the rank of Nk (TS) in the absence of corrigendum PPO, which is the basic requirement for release of his revised pension. It is also admitted by the respondents that PAO (OR) AMC is pursuing the matter in consultation with PCDA (P), Allahabad.

8. In view of the above, respondent No 3 is directed to issue corrigendum PPO in respect of the applicant mentioning therein his correct rank as Nk (TS). The respondents are further directed to pay the applicant difference of pension alongwith arrears within a period of three months on receipt of a certified copy of this order. Default will invite interest @ 8% p.a.

9. O.A. is allowed accordingly.

10. No order as to costs.

11. Miscellaneous applications, pending if any, shall stand disposed of.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

Dated: 25.03.2022

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