

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (E. Court)**

**O.A. No. 746 of 2021**

**Ex. Sub (Hony Capt) Jaipal Singh**  
By Legal Practitioner for the Applicant

Applicant

**Versus**

**Union of India & Others**  
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal  |
|-----------------------|---|
|                       | <p><b><u>04.03.2022</u></b><br/><b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b><br/><b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>Heard Shri Vijay Kumar Pandey, Ld. Counsel for the applicant and Shri R.C. Shukla, Ld. Counsel for the respondents No. 1 to 4 and Shri Ajay Pandey, learned counsel for the respondent No. 4.</p> <p>This Original Application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-</p> <p>(i) <i>That this Hon'ble Tribunal may kindly be pleased to direct the opp. parties to transfer the service pension bank account of the applicant to his individual bank account no. 60352227809, Bank of Maharashtra, Railway Road, Farrukhabad (U.P.) from joint bank account no. 1934000100212797, Punjab National Bank, Branch – Fatehgarh (UP), in the interest of justice.</i></p> <p>(ii) <i>That this Hon'ble Tribunal may kindly be awarded the cost Rs. 20,20,000/- (Rs. Twenty Lac and Twenty Thousand) to the applicant against the opposite parties.</i></p> <p>(iii) <i>That this Hon'ble Tribunal may be pleased to pass any other order or direction which this Hon'ble Court may deem just and proper be passed in favour of the applicant."</i></p> <p>Brief facts of the case are that a case of maintenance was filed by the wife of the applicant and therefore, applicant was ordered by Upper Civil Judge, Fatehgarh, Farrukhabad (UP) to pay interim maintenance allowance of Rs. 2500/- to his wife, Smt. Radha Devi till finalisation of case. Thereafter, applicant was discharged from service w.e.f. 31.08.2012 and service pension was notified vide PPO dated 18.02.2013. The applicant approached to Artillery Records vide his application dated 29.09.2021 that his joint pension account has been stopped due to complaint made by his wife and requested for transfer of his present joint pension account in Punjab National Bank, Farrukhabad to his single account in Bank of Maharashtra, Farrukhabad which was suitably replied by the Records vide letter dated 30.11.2021. The applicant submitted</p> |

an application dated 19.08.2021 to opposite party no. 8 duly completed in all respects to transfer his joint pension account no. 1934000100212797, Punjab National Bank, Branch – Fatehgarh (UP) to account no. 60352227809, Bank of Maharashtra, Railway Road, Farrukhabad (U.P.) but nothing has been done. Being aggrieved, the applicant has filed the present Original Application for transfer of his bank account from present PDA to new PDA.

Learned counsel for the applicant submitted that present Original Application has been filed against the inaction on the part of the opposite parties in not transferring the pension of the applicant in his new bank account no. 60352227809, Bank of Maharashtra, Railway Road, Farrukhabad (U.P.) from his present joint account no. 1934000100212797, Punjab National Bank, Branch – Fatehgarh (UP) for which applicant wrote several letters to the opposite parties but nothing has been done in favour of the applicant. The applicant preferred an application dated 19.08.2021 to opposite party no. 8 duly completed in all respects as per Defence Pension Regulations for the Army, Part-II (2008) alongwith photocopy of passbook/bank account no. 60352227809, Bank of Maharashtra, Railway Road, Farrukhabad (U.P.) but nothing has been done in favour of the applicant till date which is gross violation of Fundamental Rights as guaranteed by the Constitution of India.

Learned counsel for the applicant further submitted that there is some dispute between the applicant and his wife Smt. Radha Devi and therefore, by the order of Principal Judge, Family Court, Farrukhabad, a maintenance of Rs. 5500/- was to be paid by the applicant to his wife and children. Now the applicant wants to transfer his bank account to another bank account which is pending with opposite party No. 8.

Learned counsel for the applicant also submitted that it is settled position of law that grant of pension does not depend upon any one's discretion and therefore, actions on the part of the opposite parties are not sustainable in the eyes of law. He pleaded to transfer the pension account of the applicant forthwith to avoid financial hardship to the applicant.

Learned counsel for the respondents submitted that applicant was ordered by Upper Civil Judge, Fatehgarh, Farrukhabad (UP) to pay interim maintenance allowance of Rs. 2500/- to Smt. Radha Devi till finalisation of the case. Thereafter, applicant was discharged from service w.e.f. 31.08.2012 and service pension was notified vide PPO dated 18.02.2013. The applicant approached to Artillery Records vide his application dated 29.09.2021 that his joint pension account has been stopped due to complaint made by his wife and requested for transfer of his present joint pension account in Punjab National Bank, Farrukhabad to his single account in Bank of Maharashtra, Farrukhabad which was suitably replied by the Records vide letter dated 30.11.2021.

Learned counsel for the respondents further submitted that as per PCDA (P) Allahabad letter dated 01.04.2011 and Circular No. 206 dated 02.11.2018, "*if a pensioner desires to change his Account No./PDA at later state after drawing first payment of pension, he should submit a formal application to this effect to his present PDA who will make the necessary arrangements with regard to change of account/transfer of pension account to another PDA desired by the petitioner under intimation to the concerned Record Office*". Accordingly, the applicant was instructed to liaise with his PDA to take necessary action as per PCDA (P) Circular and submit all requisite documents/forms to transfer pension account from his present PDA to another PDA.

In view of aforesaid discussions/observations, we find that respondents No. 1 to 4 have nothing to do with the matter with regard to transfer of pension account from one PDA to another PDA. The responsibility for transfer of pension account lie with present PDA of the applicant.

Therefore, applicant is directed to write a normal application addressed to his present PDA, i.e. opposite party No. 8 with a copy of application to his new PDA and Record Office, enclosing all required documents including bank account details of new PDA. On receipt of application and other required documents from the applicant, Branch Manager, Punjab National Bank, Fatehgarh Branch, District – Farrukhabad (UP) will transfer pension account of the applicant to his new PDA and will comply with the order of this Tribunal within a period of three months from the date of receipt of application for transfer of pension account from the applicant.

With aforesaid directions, Original Application is **disposed off** finally.

No order as to costs.

Pending, Misc. Applications, if any, shall be treated to have been disposed off.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

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