

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

O.A. No. 249 of 2020

Prem Narain Singh

Applicant

By Legal Practitioner for the Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>19.05.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>1. Heard Shri VP Pandey, Ld. Counsel for the applicant and Shri Anurag Mishra and Shri DC Lohumi, Ld. Counsel for the respondents.</p> <p>2. Applicant has filed this O.A. under Section 14 of the Armed Forces Tribunal Act, 2007 and has prayed for the following reliefs:-</p> <p style="padding-left: 40px;">(i) To issue/pass an order or direction of appropriate nature directing respondents to grant service pension to the applicant w.e.f. 01 January 2006 for life.</p> <p style="padding-left: 40px;">(ii) Issue/pass an order or direction of appropriate nature directing respondent to pay the arrears of service pension w.e.f. January 2006 till dates of actual payment along with interest.</p> <p style="padding-left: 40px;">(iii) Issue/pass any other order or direction as this Hon'ble Tribunal may deem fit in the circumstances of the case.</p> <p style="padding-left: 40px;">(iv) Allow this application with exemplary cost.</p> <p>3. Brief facts of the case are that the applicant is a pensioner and he was being paid his service pension vide PPO No S/01829/95 w.e.f. 01.09.1995 from State Bank of India, Rasra Branch, Tehsil-Hazauli, District-Ballia (UP) through saving bank</p>

account No 0000026942. He has received his pension up to 31.12.2005 and his pension was stopped w.e.f. 01.01.2006 due to non receipt of life certificate. On 25.12.2017 the applicant visited Record Office and submitted an application saying that he did not receive his pension from January, 2006. Accordingly, the Records wrote letter dated 26.12.2017 to State Bank of India, CPPC, Allahabad. In response to Records letter, the CPPC intimated that they are not in possession of applicant's file. Thereafter, numerous correspondence were made but his pension could not be started. This O.A. has been filed by the applicant for grant of pension w.e.f. 01.01.2006 which is held up with the respondents for want of his identity proof.

4. Submission of learned counsel for the applicant is that despite submitting life certificate each year in the month of November, respondents have stopped his pension. His other submission is that his pension has not been released even after numerous correspondence made in this regard by the pensioner as well as by the Record Office. He pleaded for grant of his pension alongwith arrears and interest thereon.

5. On the other hand, learned counsel for the respondents submitted that the applicant was paid his due service pension upto 31.12.2005 and his further pension was stopped due to non receipt of life certificate. He further submitted that on 03.04.2021 the pensioner visited his PDA and submitted his life certificate. On verification it was found that there was biometric mismatch while capturing the finger print in biometric device and also the address mentioned in Adhar Card did not tally with the address held in the bank branch. His other submission is that the pensioner was advised to get his Adhar Card verified so that his pension could be started.

6. We have perused the material placed on record. We find that the applicant was drawing his pension through State Bank of India, Rasra Branch, Ballia (UP) and his pension was stopped w.e.f. 01.01.2006 which he has received upto 31.12.2005. Applicant's

version is that he has submitted his life certificate every year in the month of November, even then his pension has been stopped w.e.f. 01.01.2006. Respondents' version is that applicant's pension has been stopped due to non receipt of life certificate from the year 2006.

7. In this regard PCDA (P), Allahabad had written to SBI, CPPC Allahabad vide letter dated 31.01.2018 to submit certain documents related to the pensioner so that his pension could be started. On 03.04.2021 the applicant submitted the required documents to concerned bank but owing to biometric mismatch his pension could still not be started.

8. The respondents have not disputed that the applicant is not a pensioner. The only hurdle for payment of service pension is that his identity has not been proved and their contention to avoid fraud, is that the identity of the pensioner has to be proved which is acceptable.

9. In view of the above, respondents are directed to order an inquiry to prove identity of the applicant forthwith so that he may be able to receive his long pending pension. The above exercise is to be completed within a period of three months from today.

10. PDA is also directed to disburse applicant's pension forthwith once his identity is proved.

11. With the aforesaid direction, O.A. is disposed of.

12. No order as to costs.

13. Miscellaneous application(s), pending if any, shall stand disposed of.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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