

E-Court No. 1**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No 844 of 2021****Friday, this the 13th day of May, 2022****Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**
Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)

No 666048L Sgt Amarnath Yadav (Retd), S/o Shri (Late) Nakhuna Chaudhary, R/o 561P Mohalla- Jungle Tulsi Ram, Post – 26 Vahini PAC Camp Bichhiya, Distt- Gorakhpur (U.P.)- 273074.

..... Applicant

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

Versus

1. Union of India, through Secretary, Ministry of Defence, South Block, New Delhi-110066.
2. Chief of the Army Staff, Air Hqrs. Vayu Bhawan, New Delhi-110011.
3. Director III A (DP), DAV, Air Hqrs, Subroto Park, New Delhi - 110010.
4. Jt CDA, Air Force, Subrota Park, New Delhi – 110010.
5. PCDA (P) (Air Force), Draupadi Ghat, Allahabad (U.P.)- 212114.
6. The Chief Manager CPPC, Central Bank of India, 2nd Floor, MMO Building, MG Road, Fort Mumbai (MH)- 400023.
7. The Manager, Central Bank of India, Garhmalpur Via Kharauni Kothi, Townhall Road, Ballia (U.P.)- 221709.

..... Respondents

Ld. Counsel for the Respondents : **Dr. Chet Narayan Singh,**
Central Govt Counsel.

ORDER

“Per Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)”

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 said Gol orders/ Circulars w.e.f. 01 Jan 2006 along with due drawn statement and suitable interest within time limit as deemed fit by the Hon’ble Tribunal.
- (B) To issue order or directions to the respondents to revise disability element and grant actual arrears of revised disability element wef 01 Jan 2006 to the applicant in terms of said Gol orders/Circulars along with due drawn statement and suitable interest within time limit as deemed fit by the Hon’ble Tribunal.
- (C) To issue order or directions to the respondents to pay the cost of the case as deemed fit by the Hon’ble Tribunal.
- (D) Any other relief as considered proper by the Hon’ble Tribunal be awarded in favour of the applicant.”

2. The brief facts of the case are that applicant was enrolled in the Indian Air Force on 03.09.1979. He was discharged from service on 30.09.1999 in low medical category. After retirement, he was granted 70% disability element along with service pension vide PPO No 08/14/B/12021/1999. Applicant wrote letters to Respondents for grant of arrears of pension and disability element in terms of Circular No 555 dated 04.02.2016 in implementation of OROP Scheme but of no avail. Being aggrieved, applicant has filed instant O.A. for grant of revised pension and disability element along with arrears.

3. Learned counsel for the applicant submitted that applicant was enrolled in Indian Air Force on 03.09.1979. He was discharged from service on 30.09.1999 after rendering 20 years and 27 days of service in low medical category. He was granted 70% disability element along with service pension vide PPO No 08/14/B/12021/1999. Respondent had issued Circular No 555 dated 04.02.2016 to implement OROP Scheme. Respondent had revised the pension of Pre-2006 Pensioners through delinking of qualifying service of 33 years for revised pension vide Dept of Ex Servicemen Welfare (MoD) letter No 1(2)/2016-D(Pen/Pol) dated 30 Sep 2016. Further to this, Respondent No 5 has issued Circular

No 569 dated 13.10.2016 to implement D-Linking Scheme. Applicant requested Respondent No 6 (PDA) to credit the arrears in terms of said circulars and 7th Pay Commission and Respondent No 4 replied that pension of the applicant has been revised. Applicant preferred an application to Respondent No 3 and he was informed that pension entitlement as per Circular is being paid by Pension Disbursing Agency (PDA). On 11.06.2019 applicant wrote letter to Respondent No 7 to pay disability element and arrears accrued thereupon. Applicant was provided a copy of pensioner inquiry report (Pension Transaction). Applicant further wrote various letters to Respondent No 3, 4, 6 and 7 for grant of arrears of pension and disability element but of no avail. Learned counsel for the applicant pleaded that directions be issued to respondents to grant actual arrears of revised pension along with disability element to the applicant in terms of Govt Circulars from 01.01.2006.

4. On the other hand, learned counsel for the respondents submitted that applicant was enrolled in Indian Air Force on 03.09.1979 and discharged from service on 30.09.1999 under the clause 'on fulfilling the condition of his enrolment' after rendering total 20 years and 28 days of regular service. Release Medical

Board (RMB) held at the time discharge, assessed his disability (i) Amputation through (Lt) Wrist Blast injury @ 50% and (ii) Bennet's dislocation (Rt) Thumb @ 20% (composite @ 70%) for ten years and recommended it as attributable to Air Force Services. PCDA (P), Allahabad upheld the recommendations of RMB and sanctioned disability @ 70% for five years from 01.10.1999 to 14.04.2004. In the next Reassessment Medical Board disability of the applicant was assessed @ 70% for life and applicant was issued with Corr PPO dated 18.05.2004. Now applicant has filed instant O.A. for revision of his disability element of pension and grant of arrears in terms of Gol orders/ Circulars issued on the subject including Circular No 555 and 568 issued by PCDA (P), Allahabad with regard to implementation of OROP and Revision of pension of Pre-2006 pensioners after delinking of qualifying service of 33 years. Learned counsel for the respondents pleaded that exact entitlement of pension may be obtained from Pension Disbursing Agency (PDA), from where pension is drawn.

5. Heard learned counsel for the parties and perused the relevant documents available on record.

6. In the instant case, as per para 13 of Circular No 555 issued by PCDA (P) Allahabad, all PDAs (i.e. banks from where pension is drawn) handling disbursement of pension to defence pensioners are authorised to carry out revision of Disability element of pension of all pre 01 July 2014 pensioners drawing pension as on 01 July 2014, without any further authorisation from the concerned Pension Sanctioning Authorities. Further, in reply to RTI of Air Veteran, it has been brought out that Directorate of Air Veterans, New Delhi is the only processing agency for the pension related cases. Joint CDA, Air Force, New Delhi is Pension Sanctioning Authority and exact pension is paid by Pension Disbursing Agency (PDA) i.e. the bank from where the applicant is drawing pension.

7. In view of the foregoing, the Original Application is disposed of with direction to Joint CDA, Air Force, New Delhi and Manager, Central Bank of India, Garhmalpur, Ballia to re-examine the case as per rule position in the light of Para 13 of Circular No 555 issued by PCDA (P), Allahabad and ensure grant of actual arrears of revised pension as well as to grant revised disability element to the applicant from due date. The respondents shall complete the whole exercise as expeditiously as possible, say, within four

months from the date of presentation of a certified copy of this order. If the needful is not done within the stipulated time, the arrears accruing to the applicant by virtue of this order shall carry interest @ 8 % per annum from the due date till date of actual payment.

8. No order as to costs.

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

Dated: 13 May, 2022

Ukt/-