

**RESERVED**  
(Ser No 19)  
**Court No 2**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**

**ORIGINAL APPLICATION NO. 503 of 2022**

Friday, this the 26<sup>th</sup> day of May, 2023

**Hon'ble Mr. Justice Anil Kumar, Member (J)**  
**Hon'ble Maj Gen Sanjay Singh, Member (A)**

No. 627317E Ex JWO (MACP) Suresh Kumar Singh Son of Shri Ram Sajivan Singh, R/o AZ-62, Vidya Nagar, Dandi, Naini, Allahabad-211008 (UP).

.....Applicant

Ld. Counsel for the: **Shri R Chandra**, Advocate  
Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi-110011.
2. The Chief of Air Staff, Air Headquarters, New Delhi-110011.
3. Directorate of Air Veterans, Air Headquarters, SMC Building, 1<sup>st</sup> Floor, Subroto Park, New Delhi-110010.
4. Joint CDA (Air Force), Subroto Park, New Selhi-110010.

.....Respondents

Ld. Counsel for the : **Shri Bipin Kumar Singh**, Advocate  
Respondents Central Govt Counsel

**ORDER**

1. This O.A. has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant whereby the he has sought the following reliefs:-

*(I) The Hon'ble Tribunal may be pleased to set aside the order dated 02.03.2021 (Annexure No. A-1).*

*(II) The Hon'ble Tribunal may be pleased to direct the respondents to re-calculate service pension and all retirement benefits as per JWO (MACP) along with its arrears and interest thereon at the rate of 18% per annum.*

*(IV) Any other appropriate order or direction which the Hon'ble Tribunal may deem just and proper in the nature and circumstances of the case.*

2. The factual matrix on record is that the applicant was enrolled in the Indian Air Force (IAF) on 28.10.1981 and was discharged from service on 31.12.2019 (AN) having rendered 38 years, 02 months and 04 days service. During the course of his service he was granted MACP-III (Junior Warrant Officer grade) in the month of June, 2019 and accordingly he was paid pension vide PPO No. 349201913465 which as per applicant is equivalent to a Sergeant. On 30.11.2019 his basic pay was Rs 55,200/- and after grant of MACP his basic pay remained the same. Thus, there being no difference in basic pay after granting MACP-III (JWO grade) applicant submitted representations dated 24.01.2020 and 28.11.2020 to respondent No. 3 for processing MACP Increment. On 03.02.2021, applicant again approached the respondent No. 3 stating that option certificate was submitted by him along with No. 628527-R

JWO MI Ansari who received arrears approximately Rs. 3,00,000/- to Rs 3,50,000/- lakhs with two increments i.e. Rs 55,200/- to Rs 55,600/- in the month of December 2019. Sergeant SL Patel was also granted arrears in the month of Nov 2019, whereas the applicant was not granted arrears of MACP-III (JWO grade) till date.

3. In response to his representations, respondent No. 3 vide letter dated 02.03.2021 apprised the applicant that "*MACP benefits have already been actioned in the month of June 2019 during live service and there is no pay anomaly in pay fixation.*" Thereafter, applicant again approached the respondent No. 3 for grant of correct rate of pension in the rank of MACP-III (JWO grade) and in turn respondent No 3 vide letter dated 02.03.2021 intimated him that he has already been granted MACP benefits in the month of June 2019. Being dissatisfied with the reply of the respondents applicant has filed this O.A. for grant of correct rate of pension after re-calculation.

4. On the other hand learned counsel for the respondents submitted that applicant was promoted to the rank of JWO grade w.e.f. June 2019 and financial benefits including arrears were granted in the month of June 2019 as per MACP-III. It was further submitted that since difference of arrears were credited to his account, there is no anomaly in pay/pension fixation. He pleaded for dismissal of O.A.

5. Heard Shri R Chandra, learned counsel for the applicant and Shri Bipin Kumar Singh, learned counsel for the respondents and perused the record.

6. Applicant was enrolled in the IAF on 28.10.1982. He was discharged from service w.e.f. 31.12.2019 after completion of terms of

engagement. During the course of his service MACP came into existence and he became eligible for grant of MACP-III in the month of June, 2019 which was granted to him and arrears were paid while he was in service. After discharge from service, PPO No. 349201913465 was issued granting him pensionary benefits w.e.f. 01.01.2020.

7. Applicant's apprehension is that he was not granted correct rate of pension taking into account MACP-III as in the corrigendum PPO dated 13.09.2021 his rank is shown as Sergeant but the respondents contention is that he has already been granted MACP-III in the month of June, 2019 while the applicant was in service and due arrears were paid.

8. In view of the above, respondents are directed to re-calculate his pension taking into account his JWO grade and issue corrigendum PPO granting his due arrears within a period of four months from today. Default will invite interest @ 8% p.a.

9. The O.A. is disposed off.

10. There shall be no order as to costs.

11. Pending application(s), if any, are disposed off.

**(Maj Gen Sanjay Singh)**  
**Member (A)**

Dated : 26.05.2023

*rathore*

**(Justice Anil Kumar)**  
**Member (J)**