

**Reserved**  
**Court No. 1**

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

**Original Application No. 289 of 2018**

**Wednesday this the 06<sup>th</sup> day of October, 2021**

**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**  
**Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)**

Ex Hav Shyam Singh (No. 14904046M, S/o Shri Madan Singh Rawat, R/o Village – Dhidhaliya Manral, PO- Ganai Chowkhutiya, District- Almora, Presently R/o Shyampuram Colony, Bazpur Road, Kashipur, District- Udham Singh Nagar.

.....**Applicant**

Ld. Counsel for the : **Shri Mohit Maulekhi, Advocate.**  
Applicant

Versus

1. Union of India, through Secretary Ministry of Defence, South Block, New Delhi.
2. Commandant cum Officer in Charge Records, Mechanised Infantry Regimental Centre, Ahmednagar (Maharashtra).
3. Commanding Officer, 6 Mech Infantry, C/o 56 APO.
4. PCDA (Pensions), Draupadi Ghat, Allahabad (U.P.).
5. Zila Sainik Kalyan Evam Punarvas Adhikari Karyala, Collectrate Compound, Rudrapur, Udham Singh Nagar.
6. The Chief Manager, State Bank of India, CPPC, 3<sup>rd</sup> Floor, SBI Building, Chandani Chowk, New Delhi - 110006.

..... **Respondents**

Ld. Counsel for the : **Shri Sunil Sharma,**  
Respondents **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, whereby the applicant has sought following reliefs:-

- (I) *To direct the respondents to resume payment of pension to the applicant w.e.f. May 2017.*
- (II) *To quash and set aside the impugned order dated 28<sup>th</sup> August 2017.*
- (III) *To award the exemplary cost to the applicant as against the respondents for causing irreparable pain and injury to the applicant and his family by not following the mandate of law, and*
- (IV) *To grant any other relief or reliefs which the Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice.*
- (V) **Interim Relief** . *The Hon’ble Tribunal may be pleased to grant the ‘provisional pension’ to the applicant during the pendency of this O.A.*

2. Brief facts of the case are that the applicant was enrolled in the Indian Army on 15.03.1982. After completion of training he was posted to 6 Mechanised Infantry. Applicant after serving for about 20 years in the army was discharged from service and issued PPO No S/013191/2000 (Army) and his pension was being credited to his bank account No 11180503040 held with State Bank of India. In April 2017,

applicant supplied his PAN details to the State Bank of India, Kashipur Main Branch to enable association of his PAN details with his Bank account. Applicant was informed by State Bank of India that his PAN No BCTPS7807K is linked to another bank account held in the State Bank of India, Rampur Branch, District- Almora. In May 2017 payment of pension to applicant's bank account was suspended. On 11.05.2017, applicant wrote letter to Branch Manager, State Bank of India, Kashipur Main Branch, requesting to delinking of Narayan Singh's Bank Account with his PAN and CIF Number. On 18.05.2017, applicant wrote letter to the office of Respondent No 4 for activating his pension account No 11180503040. Respondent No 4 wrote to Chief Manager SBI, CPPC, Chandni Chowk, New Delhi to resume payment of pension to the applicant from May 2017 onwards. On 05.06.2017, applicant wrote letter to Income Tax Department requesting him to discontinue/ cancellation of PAN No BCTPS7807K linked to Bank Account No 11795437352. The matter was investigated by the respondents and report was submitted to respondent No 2. On 20.11.2017, applicant wrote letter to Respondent No 2 reiterating facts regarding recruitment of his elder brother Narayan Singh in the Brigade of Guards on the basis of forged documents issued in the name of the applicant

and for continuance of his pension on account of anomaly created but his pension has not been released till date. Being aggrieved, applicant has filed instant Original Applicant.

3. Learned counsel for the applicant submitted that applicant was enrolled in the army on 15.03.1982 and was discharged from service on 31.01.2002. He was granted pension for his services rendered in the army vide PPO No. S/013191/2000 (Army). On 01 January 2002 applicant joined as constable in the Uttarakhand Police. After discharge from army applicant is residing at Shyampuram Colony, Bazpur Road, Kashipur, District- Udham Singh Nagar and his pension was being credited in his Bank Account No 11180503040 at State Bank of India, Chaukhutia Branch, Almora. In April 2017, applicant was asked by bank to supply his PAN details to link with his account. Applicant submitted his PAN Card No BCTPS7807K to State Bank of India, Kashipur Main Branch. He was informed that this PAN Card is linked to another Bank Account No 11795437352 held in the State Bank of India, Rampur Branch, District Almora. The applicant wrote letter dated 01.05.2017 to State Bank of India, Rampur Branch, Almora for delinking his PAN from the said Bank Account No 11795437352. During his visit to native place Village – Dhidhalliay Manral, PO Ganai Chowkhutiya, Almora, applicant

was handed over a letter addressed to the Branch manager, State Bank of India, Rampur Branch, Almora, from his elder brother Narayan Singh, wherein the said Narayan Singh had admitted to being recruited in the Army with the help of forged certificates in the name of the applicant (Shyam Singh). On 11.05.2017, applicant wrote the Branch Manager State Bank of India, Kashipur Main Branch, Udham Singh Nagar drawing attention to the said letter written by Narayan Singh and further requesting for delinking of Narayan Singh's Bank A/c NO 11795437352 with the applicants PAN Card and CIF number. Applicant also wrote letter dated 18.05.2017 to respondent No 4 for activation of his pension account No 11180503040. When there was no response from respondent No. 4, applicant wrote a letter dated 02.06.2017 to Chief Manager, State Bank of India, CPPC, Chandni Chowk, Delhi to resume payment of his pension. Applicant also wrote to PAN issuing authority vide letter dated 05.06.2017 for discontinuation/ cancellation of PAN linked to Bank Account No 11795437352. On 22.06.2017 applicant wrote a letter to respondent No. 2 for discontinuance of his pension on account of anomaly done by his elder brother Narayan Singh who served in Brigade of Guards on the basis of documents issued in the name of the applicant. It is pertinent to mention

that applicant has no knowledge as to when his elder brother Narayan Singh enrolled in the Indian Army since at the relevant point of time he was already enrolled and serving in the Mech Inf and as such was not present at his native place to benefit his elder brother Narayan Singh. The applicant had already submitted his original documents with the office of Mechanised Inf Centre. Applicant was provided a copy of impugned order dated 28 August 2017 by Mech Inf Centre whereby the applicant has been alleged to have helped his elder brother Narayan Singh in getting enrolled in the Brigade of Guards fraudulently and that an FIR will be lodged against him. Applicant was also informed that further action on the subject matter will be taken upon receipt of investigation report from respondent No 5. Respondent No 5 submitted its report to Respondent No 2 wherein it was revealed that applicant's elder brother Narayan Singh got himself enrolled and served in Brigade of Guards in the name of applicant. Learned counsel for the applicant submitted that elder brother of the applicant is known and is identified as Narayan Singh in the revenue records of the Government as also in the Ration Card. Applicant has annexed copies of all letters and khatauni/revenue record alongwith Original Application. Learned counsel for the applicant submitted that impugned

order dated 28 August 2017 is not sustainable in the eyes of law because the onus of giving correct information is upon the person seeking to be enrolled and veracity of the information so given by the person seeking enrolment is subject to the satisfaction of the enrolment officer. As per discharge book issued by the Respondent No 2, the applicant had discharged his duties to utmost satisfaction of his superiors and applicant had put in more than 17 years of unblemished service in Mech Inf Regt, thereby has earned his pension. Suspension of the applicant's pension amounts to a punishment whereas the applicant cannot be punished till such time his guilt or commission of an offence is proven beyond doubt. Careful perusal of the impugned order dated 28 August 2017 reveals the following facts:-.

(a) Applicant's pension has been stopped on account of his brother Narayan Singh having been enrolled under the name of Shyam Singh by using documents issued in the name of the applicant.

(b) Allegation that the applicant had role in the said act of enrolment of his elder brother Shyam Singh cannot be sustained in the eyes of law as the applicant was enrolled in the Mech Inf Regt on 15.03.1982 and had submitted his documents in

original with the office of Respondent No 2 at the time of his enrolment with the Mech Inf Centre whereas the elder brother i.e. Narayan Singh was enrolled in Brigade of Guards under the same name as that of the applicant at a much later date in the month of November/December 1982. No show cause notice was issued before stopping the pension which is against the principles of natural justice.

4. Learned counsel for the applicant prayed that in the light of relevant provisions of law as mentioned above, the impugned order dated 28 August 2017 be quashed and applicant be granted his pension.

5. Per contra, learned counsel for the respondents submitted that No. 14904046M Ex Hav Shyam Singh was enrolled in the Army on 15 March 1982 and after completion of 17 years 10 months and 17 days of service, he was discharged from service on compassionate grounds on 31.01.2000. He was granted pension vide Pension Payment Order No S/013191/2000 (Army) dated 20 Feb 2000 through State Bank of India, Chaukhutia, Almora (UK) Bank Account No 11180503040. As per policy, applicant contacted bank to link his PAN Card with his Account No. 11180503040, the

bank authority informed him that his PAN has already been linked with account number 11795437352 in State Bank of India, Kashipur pertains to his elder brother Narayan Singh, who was enrolled in the army (Brigade of Guards) as No 13683855W Nk Shyam Singh based on forged documents. This matter was reported by State Bank of India, Kashipur to CPPC, State Bank of India, Chandni Chowk, Delhi and both the above bank account numbers have been closed. State Bank of India, Kashipur advised the applicant to send an application to PCDA (P), Allahabad to re-open his pension account No 11180503040. Accordingly, applicant forwarded his application to PCDA (P), Allahabad to re-open his pension account. CPPC, SBI, Delhi has informed PCDA (P) Allahabad that the applicant has been getting dual pension on the basis of forged documents. Hence the payment of pension has been suspended from May 2017. PCDA (P), Allahabad has replied to CPPC, Delhi that the applicant has complained to their office that his Pension Disbursing Agency has stopped his pension since May 2017 and to look into the matter and start his pension, if otherwise in order. The applicant vide his application dated 18 May 2017 has also forwarded a certificate signed by his brother No 13683855W Nk Shyam Singh (Narayan Singh i.e. elder brother of the applicant) of

Brigade of the Guards who is serving with Defence Security Corps stating that he was enrolled based on the forged certificate and documents pertaining to his younger brother i.e. the applicant. This cannot happen without knowledge and convenience of the applicant. Presently, No 13683855W Nk Shyam Singh (Narayan Singh i.e. elder brother of the applicant) is serving in DSC and he is fully responsible for this act. Now the pension of the applicant has been stopped by his bankers, therefore, he has filed subject O.A. to restart the service pension with effect from May 2017.

6. Learned counsel for the respondents further submitted that the applicant is real younger brother of Shri Narayan Singh and Shri Narayan Singh was enrolled in the Army (Brigade of the Guards) with help of education certificates of the applicant. Moreover PAN Card No BCTPS7807K of the applicant was also linked to Account No 11795437352 which was in State Bank of India, Rampur Branch, Almolra. This fact was brought to the notice of the applicant by PCDA (P), Allahabad and CPPC, Chandni Chowk, Delhi and Records Mech Inf Regt, Ahmednagar. He submitted a written statement given by his elder brother Ex Nk Shyam Singh. A copy of the application was also submitted by his brother to SBI, Branch Manager, Rampur, Almora. Further investigation

on the subject matter is under process as number of agencies are involved to take decision on the subject matter. Therefore, final outcome will be submitted before the court on receipt from investigating authority. Provisional grant of pension will only be considered if case is filed against Narayan Singh and he is found guilty by administrative and competent authority at Records the Brigade of the Guards/PCDA (P), Allahabad. Pension of the applicant was suspended by PCDA (P) Allahabad, due to written complaint against the applicant being a doubtful case. Learned counsel for the respondents submitted that in view of the facts the Original Application is devoid of merit and lack substance and is liable to be dismissed.

7. We have heard learned counsel for the parties and perused the documents available on record.

8. In view of the arguments raised on behalf of both the parties, the point to be considered is whether the applicant Hav Shyam Singh, Army No 14904046M has any role in fraudulent enrolment of his brother Nk Shyam Singh Army No 13683855W (Narayan Singh) by providing his documents and whether his stopped pension should be released or not ?

9. To consider the factual position of the case we have gone through O.A. No 289 of 2018 filed by the applicant Hav Shyam Singh No 14904046M of Mech Inf Regt as well as O.A. No 157 of 2020 filed by Nk Shyam Singh No13683855W (Narayan Singh) of Brigade of the Guards. It is a matter of great surprise that Nk Shyam Singh No-13683855W (Narayan Singh) of Brigade of the Guards cheated Govt and served in the army as well as in DSC for more than 30 years and no one noticed this fact. It is State Bank of India who noticed that three PPOs have been issued on the name of one person named Shyam Singh, out of them two PPOs have been issued for army service and one PPO for DSC service. On linking of these pension accounts with PAN Card, it was revealed that all three pension accounts are connected with one PAN Card, accordingly considering the seriousness of the matter, bank started investigation and stopped the payment of pension of all three accounts. On investigation it was emerged that Nk Shyam Singh No-13683855W (Narayan Singh) has served in the army as well as DSC in the name of his younger brother Hav Shyam Singh No 14904046M.

10. In the instant case CPPC, Delhi received a letter dated 03.07.2017 from PCDA (P), Allahabad stating that PCDA (P), has received a complaint from Hav Shyam Singh No

14904046M complaining that his elder brother Narayan Singh is receiving double pension on the basis of forged documents. The matter be thoroughly investigated and proper action into the matter be taken. State Bank of India, CPPC, Delhi on the instructions of PCDA (P) investigated the matter and found that in the name of Shyam Singh there are three pension accounts (1) 11795437352, (2) 11180503040 and 20048462496 in the name of one person Shyam Singh and these accounts are linked with same PAN Card No BCPTS7807K. Further, State Bank of India, CPPC Delhi received a letter from one Shri Narayan Singh confessing that the documents in the name of Shyam Singh, his younger brother, were used by him for getting enrolled in the Indian Army. He also confessed that he has committed a serious mistake and prayed to bank manager for mercy and to not stop pension of his younger brother Hav Shyam Singh No 14904046M. Taking cognizance of the facts and in compliance of letter of PCDA (P), the State Bank of India, CPPC, Delhi found the case of Shyam Singh suspicious and stopped pension in both the accounts from May 2017 and pension Account No 20048462406 was put on hold. State Bank of India, CPPC, Delhi had intimated these facts to PCDA (P), Allahabad vide letter dated 08.05.2017. A notice was

received by State Bank of India, CPPC, Delhi from Armed Forces Tribunal, Lucknow in O.A. No 289 of 2018 filed by Hav Shyam Singh No 14904046M. In reply State Bank of India, CPPC Delhi has cleared its stand that being a case of suspicion, pension in the above mentioned accounts have been discontinued or put on hold. Hav Shyam Singh No 14904046M has produced a letter written by his elder brother Narayan Singh addressed to SBI, Rampur Branch, Almora wherein the said Narayan Singh had admitted to being recruited in army with the help of forged certificate in the name of applicant i.e. Hav Shyam Singh No 14904046M. Applicant received a letter dated 13.02.2018 along with copy of impugned order dated 28 August 2017 from Mech Inf Regt Centre stating that he has helped his elder brother Narayan Singh in getting enrolled in the army by fraud and that an FIR will be lodged against him on receipt of investigation report. Investigation was carried out and report was submitted to Mech Inf Regtl Centre, wherein the said Narayan Singh had admitted to being recruited in the army with the help of forged certificate in the name of applicant i.e. Hav Shyam Singh No 14904046M. Elder brother of Hav Shyam Singh (No 14904046M) is known and identified as Narayan Singh in the revenue records of the Govt and also in the Ration Card. Hav

Shyam Singh No. 14904046M has asserted himself as original Shyam Singh and asserted that he is the person who got enrolled in the Mech Inf on 15.03.1982 on the basis of his documents and he has no role in fraudulent enrolment of his elder brother Nk Shyam Singh No-13683855W (Narayan Singh) in the Brigade of the Guards.

11. Respondents contention that applicant connived with his elder brother Narayan Singh in order to help him getting enrolled in Indian Army using his educational certificate is incorrect. As a matter of fact applicant was enrolled in the army on 15.03.1982 and his original high school certificate (10<sup>th</sup> Class) had been deposited with army at the time of enrolment. It is not the respondents case that applicant's elder brother used applicant's Primary school certificate (5<sup>th</sup> Class) while getting enrolled as he was enrolled in Non Matric Entry category (ie below 10<sup>th</sup> class) whereas applicant was enrolled in Matric Entry category (ie above 10<sup>th</sup> Class). The school leaving certificate which applicant's elder brother Narayan Singh has filed on the record of Original Application No 157 of 2020 shows being in respect of applicant may be either a real or forged document, and if believed true, then Narayan Singh being elder brother could have obtained it either way and this possibility cannot be ruled out. But, in any case, it cannot be

concluded that applicant had any connived with his elder brother in getting him enrolled in Indian Army (Brigade of Guards) and later in DSC using his(ie applicant's) educational certificate.

12. Thus, it appears that Hav Shyam Singh No 14904046M enrolled in Mech Inf Regt is original Shyam Singh and he has no role in the fraudulent enrolment of his elder brother Nk Shyam Singh No13683855W in Brigade of the Guards and he cannot be blamed for the fraudulent enrolment of his brother. Nk Shyam Singh No 13683855W has himself given in writing to State Bank of India that he is real elder brother of Hav Shyam Singh and he has used forged/original document of his younger brother for enrolment in the army. Nk Shyam Singh No 13683855W (Narayan Singh) has served in the army as well as in DSC in the name of his brother on the basis of forged documents. Original Marks sheet and Certificate of High School of Hav Shyam Singh No 14904046M were deposited with Mech Inf Regt. Hav Shyam Singh No 14904046M has reported the matter of fraud done by his elder brother Nk Shyam Singh No 13683855W (Narayan Singh) to all concerned authorities and he cannot be blamed for the fraud played by his elder brother. Hav Shyam Singh No

14904046M appears innocent and is entitled to pension for his services rendered in the Army.

13. It is also not a case that applicant allowed his elder brother using his PAN, as on perusal of copies of PAN filed on the record of this case and the O.A. of applicant's elder brother Narayan Singh i.e. O.A. No 157 of 2020, it appears that they are not one and the same but they are two different PAN Cards with their individual photographs but having identical name, date of birth and Number i.e. BCTPS7807K. The PAN which applicant has filed has been issued in the year 2017 whereas PAN filed by his elder brother had been issued in 2006. They also bear different photographs on them. So it is a case of issuing same permanent account number to more than one person which is possible. The Income Tax Department is aware of such possibilities and to rectify such occurrences has issued a circular in this regard clarifying how this Card be corrected and steps required to be taken for the same. . The applicant cannot be wronged for this reason also as it is his elder brother Narayan Singh who obtained PAN using applicant's name and date of birth, and not the applicant. The wrong being committed by applicant's elder brother can be corrected by cancelling the PAN issued to the elder brother as it has been obtained using the younger

brothers name and date of birth and order stopping applicant's pension may be recalled thus, allowing him to get pension at the earliest including arrears for the period it was stopped.

14. In view of the facts, Original Application deserves to be allowed hence **allowed**. Impugned order passed by the respondents 'holding' pension of the applicant is quashed. Respondents shall re-allow pension to the applicant with interest including arrears for the period it was stopped i.e. from May 2017. The respondents are directed to give effect to this order within a period of four months from the date of receipt of a certified copy of this order. Default will invite interest @ 8% per annum till actual payment.

15. No order as to costs.

16. Pending applications, if any, stand disposed off.

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

Dated: 06 October, 2021

Ukt/-