

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

ORIGINAL APPLICATION No. 151 of 2021

Friday, this the 08th day of October, 2021

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

No. 14809574L Rank-Hav (MACP Nb Sub), Sajeev Kumar Singh, s/o Late Gulab Singh, R/O village and post office-Samer Paha, Tehsil-Lalganj, P.S.-Lalganj, District-Raebareili, Uttar Pradesh, Pin-229206.

..... Applicant

Ld. Counsel for the : **Shri Manoj Kumar Awasthi**, Advocate.
Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence, 101 South Block, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarter of the Ministry of Defence (Army), South Block, New Delhi-110011.
3. The Officer-in-Charge, ASC Records (South), Bangalore-560007, U.P.
4. PCDA (Pension), Draupadi Ghat, Allahabad.
5. The Branch Manager, State Bank of India, Lalganuj, Raebareli, U.P.
6. The Chief Manager, Centralised Pension Processing Centre (CPPC), State Bank of India, 4 Kutchery Road, Allahabad-210002.

.....Respondents

Ld. Counsel for the
Respondents.

Shri Ram Saran Awasthi,
Central Govt. Counsel

ORDER

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

- (a) To issue/pass an order or direction to the respondents to grant service pension in lieu of pension PPO No 180201900621 dated 15.03.2019 suffix 0100 (Army), disability element of disability pension in lieu of Pension Payment Order dated 31.05.2019 suffix 0202 and other retire mental benefits in lieu of Pension Payment Pension Payment Order dated 31.05.2019 suffix 0101 alongwith 12% interest on arrear.
- (b) To issue/pass any other order or direction as this Hon'ble Tribunal may deem just fit and proper under the circumstances of the case in favour of the applicant.
- (c) To allow this original application with costs.

2. The brief facts of the case are that Ex Hav (MACP Nb Sub) Sanjeev Kumar Singh was enrolled in the Army on 03.03.1993. While in service and on leave an FIR under case crime No 0156 u/s 302,307,504/34 of IPC dated 12.06.2017 was lodged at Police Station Maharajganj, Raibareilly and he was sent to jail. He was granted bail by Lucknow Bench of the Hon'ble High Court of Judicature at Allahabad vide order dated 29.11.2018. After bail applicant served in the Army and was discharged from service w.e.f. 31.03.2019 after completion of

terms of engagement. He was issued with PPO but pension was withheld on account of charges framed in aforesaid FIR. Thereafter, two representations dated 07.11.2019 and 20.11.2019 were submitted against denial of pension but no action was taken. This O.A. has been filed by applicant for grant of pension as he is on bail.

3. Learned counsel for the applicant pleaded that applicant was discharged from service with exemplary character and since he is on bail and has not been convicted as yet, he is entitled to pension. Relying upon O.A. No. 26 of 2015, **Satyapal Singh vs Union of India & Ors**, O.A. No. 205 of 2012, **Ex Hav Ran Bahadur Gurung vs Union of India & Ors**, O.A. No. 145 of 2013, **Satendra Pal vs Union of India & Ors**, 1971 (2) SCC 330, **Deokinandan Prasad vs the State of Bihar & Ors** and Order dated 14.08.2013 passed by the Hon'ble Apex Court in Civil Appeal No 6770 of 2013 (arising out of Special Leave Petition (C) No 1427 of 2009), **State of Jharkhand & Ors vs Jitendra Kumar Srivastava & Anr**, learned counsel for the applicant submitted that though the judicial inquiry is pending against the applicant, however in light of aforesaid pronouncements, he is entitled to pension and other benefits.

4. On the other hand learned counsel for the respondents have filed counter affidavit annexing therewith copy of letter dated 06.07.2021 and PPO No. 180202102072 dated

22.06.2021. He pleaded that since requisite PPO has already been issued by PCDA (P), Allahabad, this O.A. be dismissed.

5. We have heard learned counsel for the parties and perused the material placed on record.

6. Admittedly, the applicant is an Army pensioner. He was involved in a criminal case and was granted bail vide order dated 29.11.2018. He has not been convicted as yet, therefore, keeping in view of pronouncement made in the case of ***Jitendra Kumar Srivastava*** (supra), and issue of PPO dated 22.06.2021, nothing remains to be adjudicated in this case.

7. In view of the above, respondents are directed to release the amount due to applicant as per aforementioned PPO within a period of one month. Default will invite interest @ 8% per annum.

8. In view of the above, O.A. is disposed off.

9. No order as to costs.

10. Pending misc applications, if any, shall stand disposed off.

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

Dated: 08.10.2021

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