

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No 768 of 2020**Thursday, this the 13<sup>th</sup> day of October, 2022**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**  
**Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)**No. 145635-R Ex-LCK(S) Vijay Singh  
S/o Shri Subedar Singh  
R/o Village – Ranamau, Post Office – Amanpur,  
District – Kasganj (Kashi Ram Nagar) (UP) – 207241

..... Applicant

Ld. Counsel for the Applicant: **Shri K.K.S. Bisht &**  
**Shri Umesh Kumar Yadav, Advocate**

Versus

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. Chief of the Naval Staff, Naval Headquarters, Integrated HQ of the Ministry of Defence (Navy), South Block, B-28, New Delhi – 110011.
3. Integrated Headquarters, Ministry of Defence (Navy) Directorate of Pay and Allowances, D-II Wing, Sena Bhawan, New Delhi – 110105.
4. The Logistics Officer-in-Charge, Naval Pension Office, C/o INS Tanaji Sion – Trombay Road, Mankhurd, Mumbai – 400088.
5. Principal Controller of the Defence Accounts (Pension) Draupadighat, Allahabad – 211014.
6. The Manager, Central Bank of India, Amanpur Branch, Village & PO – Amanpur, District – Kasganj (Kashi Ram Nagar) (UP)-207241.
7. The Chief Manager, Central Bank of India, CPPC, 2<sup>nd</sup> Floor, MMO Building, M G Road, Fort Mumbai – 400023.

..... Respondents

Ld. Counsel for the Respondents : **Shri Rajiv Pandey**  
Central Govt Counsel

**ORDER**

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) Issue/pass an order or direction to the respondents to pay the arrears of enhanced pension pursuant to Sixth and Seventh Central pay Commission w.e.f. 01.01.2006 to October 2016 along with interest accrued to the applicant due to revision of his pension.
- (b) Issue/pass any other order or direction as this Hon’ble Tribunal may deem fit in the circumstances of the case.
- (c) Allow this application with costs.”

2. The factual matrix on record is that the applicant was enrolled in the Army on 28.12.1981 and was discharged from service on 31.12.1996 after rendering more than 15 years of service and he is in receipt of service pension. On the recommendations of Sixth CPC and Seventh CPC, pension of Armed Forces personnel was revised w.e.f. 01.01.2006 and 01.01.2016 respectively but in the case of applicant, the same has not been done by the respondents. His pension has been revised as per recommendations of 7<sup>th</sup> CPC w.e.f. 01.11.2016 and not w.e.f. 01.01.2006. Being aggrieved, the applicant

has filed the present O.A. to grant arrears of revised pension as per recommendations of 6<sup>th</sup> CPC and 7<sup>th</sup> CPC w.e.f. 01.01.2006 to October 2016 and interest on delayed payment of arrears.

3. Learned counsel for the applicant submitted that applicant was discharged from service on 31.12.1996 after rendering more than 15 years of service and he is in receipt of service pension. On the recommendations of Sixth CPC and Seventh CPC, pension of Armed Forces personnel was revised w.e.f. 01.01.2006 and 01.01.2016 respectively but in the case of applicant, the same has not been done by the respondents. After passing of more than 20 years, applicant received PPO No. 09/97/B/S/01811/1996 and his pension has been revised as per recommendations of 7<sup>th</sup> CPC w.e.f. 01.11.2016 and not w.e.f. 01.01.2006.

4. Learned counsel for the applicant further submitted that in response to letter of respondent No. 3 dated 15.09.2016, respondent No. 4 vide letter dated 03.04.2017 directed the Bank concerned (respondents No. 6 & 7) with a copy to the applicant to take necessary action to revise pension of the applicant and make payment of arrears of pension of 6<sup>th</sup> CPC and 7<sup>th</sup> CPC at the earliest but the same has not been done by the Banks/PDA of the applicant.

He pleaded to grant arrears of revised pension to the applicant as per recommendations of 6<sup>th</sup> CPC and 7<sup>th</sup> CPC w.e.f. 01.01.2006 to October 2016 and interest on delayed payment of arrears.

5. Learned counsel for the respondents submitted that applicant was discharged from service on 31.12.1996 on expiry of engagement (15 years) and is in receipt of service pension vide PPO dated 29.11.1996. The applicant filed a representation dated 04.07.2016 to respondent No. 3 which was replied by respondent No. 4 vide letter dated 03.04.2017 in which PDA of the applicant was directed to revise pension of the applicant as per revised rates of un-commuted Basic Pension as per PCDA (P) Allahabad Circulars. Thereafter, applicant again represented his case vide representation dated 20.11.2017 which was suitably replied vide letter dated 15.12.2017.

6. Learned counsel for the respondents further submitted that PDAs are authorised to pay pension/family pension and make revision in terms of Govt. of India letter dated 29.10.2016 without any further authorisation from the concerned Pension Sanctioning Authorities. In the instant case, Naval Authorities vide letters dated 03.04.2017 and 15.12.2017 have already directed the concerned PDA of the applicant to revise pension of the applicant, thus, further action for revision of pension lies with PDA of the applicant and not Naval authorities. He pleaded for dismissal of O.A.

7. We have heard learned counsel for the applicant and learned counsel for the respondents No. 1 to 5 and have perused the documents/material placed on record. No one is present on behalf of respondent No. 6 & 7.

8. We find that applicant has been granted benefit of revision of 6<sup>th</sup> CPC and 7<sup>th</sup> CPC w.e.f. 01.11.2016 only and before that period, i.e. w.e.f. 01.01.2006 to October 2016, his pay/pension has not been revised to which he is entitled as per recommendations of both CPCs. The Naval Authorities/Respondent No. 3 & 4 have already directed the PDA (Respondent No. 6 & 7) to revise pension of the applicant as per revised rates of un-commuted Basic Pension as per PCDA (P) Allahabad Circulars but due to inaction on the part of respondent No. 6 & 7, applicant has not been granted benefit of revision of pension as per 6<sup>th</sup> & 7<sup>th</sup> CPC.

9. In the circumstances, PDA is held responsible for not making revision of pension of the applicant as per 6<sup>th</sup> & 7<sup>th</sup> CPC. Thus, applicant is entitled for arrears of pension and interest also @ 8% per annum on delayed payment of revision of pension for the period from 01.01.2006 to October 2016.

10. Resultantly, Original Application is **allowed** against respondents No. 6 & 7 (PDA) and they are directed to pay arrears of pension after

revising pension as per 6<sup>th</sup> CPC and 7<sup>th</sup> CPC alongwith interest @ 8% per annum to the applicant. The Respondents No. 6 & 7 are directed to comply with the order within a period of four months from the date of receipt of certified copy of this order. Default will invite interest @ 8% per annum till actual payment.

11. No order as to costs.

12. Pending Misc. Application(s), if any, shall stand disposed off.

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

Dated: October, 2022

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