

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

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

**ORIGINAL APPLICATION No. 978 of 2022**

Monday, this the 30<sup>th</sup> day of October, 2023

**“Hon’ble Mr. Justice Ravindra Nath Kakkar, Member (J)**  
**Hon’ble Vice Admiral Atul Kumar Jain, Member (A)”**

Smt. Bhuneshvari Devi

Widow of No 2957343 Ex Sep Late Kailash Singh,

R/o House No 606, New Ram Nagar, Urai,

District - Jalaun (UP) PIN-285001

..... 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-11.
2. Chief of the Army Staff, Integrated HQ of Ministry of Defence (Army, DHQ Post Office, New Delhi-11.
3. The Officer In-Charge, Rajput Regiment, Fatehgarh (UP).
4. The Chief Controller of Defence Accounts, Draupadi Ghat, Allahabad (UP).
5. Chief Manager, Bank of Baroda, C.P.P.C. Head Office, 7<sup>th</sup> Floor Suraj Plaza-I, Sayajiganj, Baroda, Gujrat-390005.
6. Branch Manager, Bank of Baroda, Urai, District: Jalaun (UP) – 285001.

.....Respondents

Ld. Counsel for the Respondents :**Shri Arun Kumar Sahu**,  
No. 1 to 4 Central Govt. Standing Counsel

Ld. Counsel for the Respondent : **Shri Ashish Mishra**,  
No. 6 Advocate

## ORDER

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

*“(i) The Hon’ble Tribunal may be pleased to set aside the respondent No 5 and 6 to close applicant’s late husband’s pension Account and credit balance of that account be transferred in applicant’s Acct as being joint notification in PPO as details of accounts are given above.*

*(ii) The Hon’ble Tribunal may be pleased to direct the respondent No 5 and 6 to grant interest on arrears Rs 29,09,181.00 on account of revision of pension of her late husband as per RBI Master Circular dated 09/09/2019 and CDA (P) Allahabad Circular No 165.*

*(iii) The Hon’ble Tribunal may be pleased to direct the respondent No 5 and 6 to revise disability pension of her late husband w.e.f. 01/01/1996 to 30/06/2009 with interest on the arrear as per RBI Master Circular dated 09/09/2019 and CDA (P) Allahabad Circular No 165.*

*(iv) The Hon’ble Tribunal may be pleased to allow this Original Application with cost.*

*(v) 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. Briefly stated, husband of the applicant was enrolled in the Indian Army on 06.11.1963 and was invalided out from service w.e.f. 04.12.1973 for the disability “GRENADE INJURY LEFT SHOULDER WITH INJURY TO BRACHIAL FLAXUS N-8/0 E-993”. The husband of the applicant sustained injury on 18.01.1971

during Indo-Pak War. The Invaliding Medical Board (IMB) of the applicant was held at Base Hospital, Lucknow on 06.11.1973 and his disability "GRENADE INJURY LEFT SHOULDER WITH INJURY TO BRACHIAL FLAXUS N-8/0 E-993" was considered as attributable to military service and it was assessed @ 40% for two years. The husband of the applicant was granted War Injury Pension w.e.f. 05.12.1973 and service element from 06.11.1975 for life and later on War Injury Element was also granted for life, i.e. w.e.f. 27.06.1987. During the year 2005, Records, The Rajput Regiment vide letter dated 19.11.2005 approached the husband of the applicant to complete some essential documents for endorsement of family pension entitlement in the PPO. On receipt of necessary documents from husband of the applicant, Record Office processed case to PCDA (P) Allahabad for notification of Corrigendum PPO which was notified vide PPO No. D/Corr/10228/2008 by which Smt. Bhuneshari Devi (Applicant) has been jointly endorsed being his legally wedded wife. After demise of husband of the applicant on 08.05.2022, family pension is being paid to the applicant by the PDA in her Bank of Baroda account No. 10460100024294. An amount of Rs. 29,09,181/- pertaining to arrear of pension was granted/paid in bank account of husband of the applicant but interest on arrears for delayed payment has not been made in terms of Para 8 of Circular No. 165 dated 22.02.2013 of PCDA (P) Allahabad. It is in this perspective that the applicant has preferred the present Original Application for revision

of disability pension of her late husband and grant of interest on arrears amounting to Rs. 29,09,181/-.

3. Learned counsel for the applicant submitted that husband of the applicant was enrolled in the Indian Army on 06.11.1963 in RAJPUT Regiment and was invalided out from service on 05.12.1973 on medical grounds after completion of 09 years, 10 months and 17 days of service. He was granted War Injury Invalid out disability pension w.e.f. 06.12.1973 vide PPO No. D/BC/263/1974. The husband of the applicant visited PCDA (P) Allahabad on 23.02.2018 and raised his grievance of non revision of his pension. On 24.11.2021, husband of the applicant requested Chairman & Managing Director, Bank of Baroda to revise his Disability/War Injury Pension which should be Rs. 15904/- for service element and Rs. 15904/- for disability element also whereas he was receiving Rs. 6551/- only for service element and no amount granted for disability element. On 13.12.2021, respondent No. 4, i.e. PCDA (P) Allahabad sent a letter to respondent No. 5 to revise War Injury Element and Service Element as per rate provided in the letter. On 01.12.2021, a legal notice was also sent to the respondents to revise disability pension of husband of the applicant and in reply, respondent No. 5 vide letter dated 14.12.2021 intimated that revised rate of pension has been received from PCDA and arrear on revision of pension has

been calculated and processed for payment and same will be paid in next pension.

4. Learned counsel for the applicant further submitted that respondent No. 5 credited amount of Rs. 29,09,181/- in bank account of husband of the applicant on 18.12.2021. Husband of the applicant died on 08.05.2022. On 27.08.2022, respondent No. 6 gave some forms to be filled by the applicant which were filled and submitted to respondent No. 6 but when applicant visited bank to inquire about pension, she was harassed and was never attended by the Manager/Staff of bank. On 02.09.2022, applicant sent a letter to respondent No. 5 to start her family pension after demise of her husband, w.e.f. 09.05.2022 with prayer to transfer credit balance of her husband's account in applicant's account and to grant interest on arrear amount of Rs. 29,09,181/- as per RBI circular dated 09.09.2019 and PCDA (P) Allahabad Circular No. 165. Thereafter, applicant sent a reminder letter dated 12.11.2022 but nothing has been done by the respondents. He pleaded for immediate action for revision of disability pension of her late husband w.e.f. 01.01.1996 to 30.06.2009 and payment of interest on arrear amounting to Rs. 29,09,181/- for delayed payment.

5. Learned counsel for the respondents No. 1 to 4 submitted that husband of the applicant was enrolled in the Indian Army on 06.11.1963 and was invalided out from service w.e.f. 04.12.1973 for the disability "GRENADE INJURY LEFT SHOULDER WITH

INJURY TO BRACHIAL FLAXUS N-8/0 E-993". The husband of the applicant sustained injury on 18.01.1971 during Indo-Pak War. The Invaliding Medical Board (IMB) of the applicant was held at Base Hospital, Lucknow on 06.11.1973 and his disability "GRENADE INJURY LEFT SHOULDER WITH INJURY TO BRACHIAL FLAXUS N-8/0 E-993" was considered as attributable to military service and it was assessed @ 40% for two years. The husband of the applicant was granted War Injury Pension w.e.f. 05.12.1973 and service element from 06.11.1975 for life and later on War Injury Element was also granted for life, i.e. w.e.f. 27.06.1987. During the year 2005, Records, The Rajput Regiment vide letter dated 19.11.2005 approached the husband of the applicant to complete some essential documents for endorsement of family pension entitlement in the PPO. On receipt of necessary documents from husband of the applicant, Record Office processed case to PCDA (P) Allahabad for notification of Corrigendum PPO which was notified vide PPO No. D/Corr/10228/2008 by which Smt. Bhuneshari Devi (Applicant) has been jointly endorsed being his legally wedded wife. Thereafter, applicant submitted a representation dated 24.11.2021 to PDA for payment of correct/revised pension.

6. Learned counsel for the respondents No. 1 to 4 further submitted that after demise of husband of the applicant on 08.05.2022, family pension has already been commenced in favour

of the applicant by the PDA in her Bank of Baroda account No. 10460100024294 and is being paid regularly. An amount of Rs. 29,09,181/- pertaining to arrear of pension has already been granted/paid in bank account of the applicant. In this regard it is pertinent to mention here that applicant has not approached any authority earlier for payment of revised pension. Hence, contention of the applicant to grant interest on arrear in terms of Para 8 of Circular No. 165 dated 22.02.2013 of PCDA (P) Allahabad for inordinate delay in crediting the arrear of pension amount, is not tenable.

7. In this regard, submission of learned counsel for the respondent No. 6 (Bank) is that applicant's contention that she was harassed by the bank is incorrect as any of the senior citizens coming to the bank for their grievances are attended properly and given full respect but applicant did not come to settle her claim in the office of respondent no. 6. The applicant is being paid family pension regularly as per revised rates in her bank account No. 10460100024294 and arrears of pension amounting to Rs. 29,09,181/- has already been credited in bank account of applicant's husband on 18.12.2021. Thereafter, credit balance of Rs. 16,63,886/- held in bank account of applicant's husband after death, has also been transferred/paid to the applicant by the respondent No. 6 through a Bankers Cheque No. 379082 dated 09.06.2023 as accepted/acknowledged by the applicant in her

personal letter dated 09.06.2023 written to Branch Manager of Bank of Baroda, Urai Branch which is on record/placed before the Bench. Thus, nothing remains to be executed on the part of the respondent No. 6.

8. We have heard learned counsel for the parties and perused the record.

9. In the instant case, we find that the respondents have granted disability element and war injury element of pension to husband of the applicant from the date he was invalided out from service which was further revised from time to time and with effect from 01.01.2016, arrears incurred in revision of pension amounting to Rs. 29,09,181/- has already been credited in bank account of applicant's husband on 18.12.2021. Thereafter, husband of the applicant died on 08.05.2022 and case for grant of family pension to the applicant was processed and applicant is in receipt of family pension regularly as per revised rates. In addition to this, credit balance of Rs. 16,63,886/- held in bank account of applicant's husband after death, has also been transferred/paid to the applicant by the respondent No. 6 (Bank) through a Bankers Cheque on 09.06.2023 as accepted/acknowledged by the applicant in her letter dated 09.06.2023. Hence, prayer No. (I) and (III) of the applicant have been resolved and balance relief No. (II) with regard to grant interest on arrears accrued on revision of pension of her

late husband amounting to Rs. 29,09,181/- which was credited in her husband's bank account on 18.12.2021.

10. We have perused the Circular No. 165 of PCDA (P) Allahabad and para 8 of Circular speaks about compensation/interest for delay in crediting arrears, which is reproduced as under :-

**“8. Compensation by the Agency Banks for delay in crediting pension/family pension/arrear thereof :-**

(i) Delay in credit of pension/family pension/ arrears thereof by banks have always been cause of increase of representation from defence pensioners/family pensioners. Though, RBI has already issued the guidelines to all agency banks to put in place a mechanism to obtain immediately the copies of pension order from Pension Sanctioning Authorities directly and to make payments so that pensioners/family pensioners should get benefits announced by the Governments in the succeeding months pension payment itself.

(ii) Non adhering by of above guidelines, thereby causing, increase of complaints from pensioners/family pensioners alleging inordinate delay in disbursing the revised pension/family pension and arrears thereof has been reviewed by RBI. And in order to obviate the such unwarranted inordinate delay in payment of pension/defence pension and arrears thereof, RBI has further instructed vide item 34 of Master Circular on Disbursement of pension by Agency Banks issued by RBI under letter No. RBI/2013-13/103, DGBA.GAD.No.H-4/31.05.001/2012-13 dated July 2, 2012 that pension paying banks should compensate the pensioner for delay in crediting the pension/family pension/arrears thereof by paying compensation at a fixed interest rate of 8 percent for the delay after the due date and the compensation shall be credited to the pensioner's/family pensioner's account automatically without any claim from the pensioner/family pensioner on the same day when the bank affords credit for revised pension/family pension/arrears thereof in respect of all delayed pension payments made since October 1, 2008.

In view of the positions explained above, it is requested that all paying branches/CPPC making/authorising payment of defence (including denfence civilian) pension/family pension may be advised/instructed either to put in place a mechanism to revise/calculate the pension/family pension/ arrears thereof at earliest so that pensioner/family pensioner should get the benefits announced by the Government in the succeeding month's pension payment itself or to compensate the pensioner/family

pensioner at a fixed interest rate of 8 percent for the delay in crediting his/her pension/family pension or arrear thereof”.

In view of above Circular, applicant seems entitled to interest @ 8% on the arrears paid to husband of the applicant.

11. In view of the above, Original Application is **allowed**. Impugned order, if any, is hereby set aside. The applicant is entitled to get interest @ 8% per annum on the amount of arrears of Rs. 29,09,181/- from the date of its applicability to date on which it was paid/credited in bank account of husband of the applicant. The respondents are directed to grant interest @ 8% per annum on the amount of arrears of Rs. 29,09,181/- from the date of its applicability to date on which it was paid/credited in bank account of husband of the applicant and credit interest amount in bank account of the applicant. The respondents are further 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 the actual payment.

12. No order as to costs.

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

**(Vice Admiral Atul Kumar Jain)**  
**Member (A)**

**(Justice Ravindra Nath Kakkar)**  
**Member (J)**

Dated : October, 2023  
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