

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

8.
OA 697/2020

Ex Hav (Hony Nb Sub) Ram Lal Singh Jat **Applicant**
Versus
Union of India & Ors. **Respondents**

For Applicant : Mr. J. P. Sharma, Advocate
For Respondents : Mr. Anil Gautam, Advocate

CORAM:
HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
29.06.2020

In this O.A filed under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant is claiming revised service pension in the rank of Nb Subedar as per the Government of India (MoD) letters dated 12.06.2009 and 08.03.2010 and in the light of the order passed by the Regional Bench, Chandigarh of this Tribunal on 27.10.2017 in O.A No. 2755 of 2013 (*Hoshiar Singh and others v. Union of India and others*).

2. Briefly stated the facts of the case are that the applicant was enrolled in the Army (ASC (AT)) on 12.08.1980 and discharged from service on 31.08.2004 under Army Rule 13(3)(III)(i) on completion of his term of engagement, after rendering 24 years and 19 days of service. He was granted the rank of Hony Nb Subedar on 26.01.2005 after retirement from service. On the basis of the, the applicant filed O.A No. 1275 of 2018 before this Tribunal claiming service pension in the rank of Naib Subedar. Having regard to the fact that the Government of India (Ministry of Defence) had cleared the grant of pension in the rank of Nb Subedar to those who retired



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in the rank of Havildar and who were granted honorary rank of Nb Subedar in the light of the decision of the Armed Forces Tribunal, Regional Bench, Chandigarh in O.A No. 42 of 2010 (*Virender Singh and others v. Union of India and others*) as affirmed by the Hon'ble Supreme Court and the decision of the Hon'ble Supreme Court in *Union of India and others v. Subhash Chander Soni* (C.A No. 4677 of 2014 dated 20.05.2015), the said O.A was allowed vide order dated 18.01.2019. Accordingly, a corrigendum PPO dated 13.09.2019 was issued to the applicant revising his service pension in the rank of Hony Nb Sub @ Rs.7,750/- with effect from 01.01.2006, Rs.8,425/- from 01.07.2014 and Rs.21,653/- from 01.01.2016. Now the prayer made by the applicant is that he is entitled to get revised pension in the rank of Nb Subedar as per the Government of India (MoD) letters dated 12.06.2009 and 08.03.2010 and in the light of the order passed by the Regional Bench of this Tribunal, Chandigarh in *Hoshiar Singh and others v. Union of India and others* (O.A No. 2755 of 2013 dated 27.10.2017). Therefore, on 25.09.2019, he caused to send a legal notice to the respondents, wherein the following request was made:

8. In view of the above fact, may I humbly request to all respondents to revise my client's service pension in the rank of Naib Subedar for Rs.9,382/- w.e.f 01 Jul 2009, Rs.9,429/- w.e.f 01 Jul 2014 and Rs.24,233/- w.e.f 01.01.2016 after completed 26 years of qualifying service and issue the Corr PPO as per GoI, MoD letter dated 12 Jun 2009, 08 Mar 2010, 03 Feb 2016 and 30 Jan 2019 in the light of judgment dated 27.10.2017 issued by Hon'ble AFT Regional Bench Chandigarh in OA No 2755/2013 titled as Hoshiyar Singh and others Vs Union of India to my client's Pension Disbursing Authority without further delay from receipt of this notice.

Pursuant thereto, the respondents vide the impugned letter dated 31.03.2020, it has been intimated that the policy on the subject case



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(Hoshiar Singh case) has been revised by the Government of India, Ministry of Defence, Department of Ex-servicemen Welfare and the same is under progress. It is the case of the applicant that he being a post-2006 retiree is entitled to get his service pension revised in the rank of Nb Subedar for Rs.9,382/- with effect from 01.07.2009, Rs.9,429/- with effect from 01.07.2014 (OROP) and Rs.24,233/- with effect from 01.01.2016. Hence the instant O.A.

3. According to learned counsel for the applicant, the Government of India (MoD) has already accepted the recommendations of the 6th Central Pay Commission and it is decided that honorary rank of Nb Subedar granted to Havildar will be notionally considered as a promotion to the higher grade of Nb Subedar and benefit of fitment in the pay band and the higher grade pay will be allowed notionally for the purpose of fixation of pension only. Accordingly, the pension was fixed in the rank of Naib Subedar 'Y' Group in 24 years qualifying service is Rs.9,382 with effect from 01.07.2009. While deciding a bunch matter in similar nature in *Hoshiar Singh's case* (supra), it was held at Para 43 that the tables so revised will be worked out with effect from 01.07.2009 and all consequent revisions made applicable to all Honorary Naib Subedars who retired prior to 01.01.2006, within a period of four months from the date of the order, failing which, they should be entitled to interest @ 8% per annum on the difference in what they are getting then and what they were thereby held entitled to. In the case of the applicant, he is a post-2006 retiree and as per *Hoshiar Singh's case* (supra), he is entitled to get his service pension revised in the rank of Nb Subedar with effect from 01.07.2009. Learned counsel for the applicant submits that in reply to the



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legal notice sent by the applicant, he was issued Annexure A1 dated 31.03.2020 intimating that the policy on the subject case has been revised and the same is under progress. Learned counsel further submits that so far his pension has not been revised.

4. Learned counsel for the respondents fairly submitted that the subject matter is under consideration and necessary action would be taken without further delay.

5. Having heard the counsel for the parties, we are of the considered view that the matter in issue is squarely covered by the decision in *Hoshiar Singh's case* (supra). Resultantly, this O.A is allowed and the respondents are directed to revise the pension to the applicant in the rank of Naib Subedar after verification of conferment of the rank of Hony Naib Subedar, with effect from 01.07.2009. The arrears of pension in rank of Naib Subedar be paid to the applicant within a period of three months from the date of this order.

7. No order as to costs.

(RAJENDRA MENON)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

Alex/Priya

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FOR REGISTRAR



**BEFORE THE ARMED FORCES TRIBUNAL
(PRINCIPAL BENCH) AT NEW DELHI**

Original Application No: 697 of 2020

IN THE MATTER OF:

No 13879337H Ex Hav (Hony Nb Sub) Ram Lal Singh Jat ...Applicant

Versus

Union of India & others ...Respondents

MEMO OF PARTIES

1. No 13879337H Ex Hav (Hony Nb Sub) Ram Lal Singh Jat, Age about 59 years, S/o Sh Sagar Mal, R/o Qtr No D/65 Type-1, New Police Line, Kingsway Camp, Delhi- 110009 ...Applicant

Versus

1. Union of India, Through it's Secretary Ministry of Defence South Block, New Delhi- 110 011 ...Respondents

2. The Chief of the Army Staff
IHQ of MoD (Army)
South Block, New Delhi- 110 011

3. Officer-in-Charge Records
Army Supply Corps Records (AT)
PIN- 900 493
C/o 56 APO

4. PCDA (Pension)
Draupadi Ghat
Allahabad (UP)-211 014

Applicant through Counsel

PLACE : New Delhi-45

FILED ON : 22 /05/2020

JP Sharma

JP Sharma & Associates
Advocate for the Applicant

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