

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI
CIRCUIT BENCH AT HYDERABAD
(Through Video Conferencing)

OA No.155 of 2022

With

MA No.234 of 2022

27.2.2023

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CORAM :

HON'BLE MR.JUSTICE K HARILAL, MEMBER (J)

HON'BLE LT GEN BOBBY CHERIAN MATHEWS, MEMBER (A)

Ex MWO Meerugu Veerababu, aged 77 years

S.No. 267670B

S/o late M Sessaiah

Flat No.108, Sree Residency, Plot No.1&2

Opp Electricity Sub Station, Malla Reddy Nagar

Lothkunta, Trimulgherry

Hyderabad 500 015

.. Applicant

By Legal Practitioner : M K Sikdar, Advocate

Vs

1. Union of India through the Secretary,
Government of India, Ministry of Defence,
South Block, New Delhi 110 011

2. The Chief of the Air Staff,
Air Headquarters, Vayu Bhavan
New Delhi 110 106

3. The Directorate of Air Veterans,
Air Headquarters, Subroto Park,
New Delhi 110 010

4. The Jt CDA (Air Force)
Subroto Park, New Delhi 110 010

... Respondents

By : S Ajay Kumar, CGC

ORDER

1. The Original Application has been filed to quash the Impugned Order No.Air HQ/99798/21/08/RP/Pre-06/DAV dated 21.12.2021 passed by the 3rd Respondent and direct the Respondents to grant Pension for the last held rank, Master Warrant Officer (MWO) (Group-X) w.e.f. 1.7.2002 for life with all consequential benefits.

2. Heard the Learned Counsel for the Applicant and the Respondents and perused the material placed on record.

3. The Applicant was enrolled in the Indian Air Force on 31.8.1964. He was discharged from service on 30.6.2002 after rendering 37 years 10 months and 1 day of qualifying service. The Applicant was promoted to the rank of Master Warrant Officer on 1.2.2002. The Applicant submits that the 3rd Respondent vide the Impugned Order dated 21.12.2021 had denied the pension in the last rank held, i.e. Master Warrant Officer on the grounds that he had held the post for a period of 5 months only. The Applicant was granted pension as applicable to the rank of Warrant Officer vide PPO dated 18.3.2022. The Applicant was also issued with Corr. PPO No.08/14/B/CORR/04643/2004 dated 3.7.2004 wherein the last rank held was mentioned as MWO but the pension for WO only. The Applicant further submits that as advised by the 3rd Respondent, vide the Impugned Order, he represented before the CPPC/PDA Bank and PCDA Allahabad, vide letter dated 23.3.2022 for grant of Pension in the rank of

MWO w.e.f. 1.1.2006 as per Circular No.568 dated 13.10.2016 but the same has not been replied till date. Aggrieved by the same, the Applicant has preferred this OA.

4. The Respondents have not denied the facts enumerated by the Applicant in the OA. The 3rd Respondent, in reply to the representation of the Applicant to grant Service Pension for the last rank held, vide the Impugned Order No. Air HQ/99798/21/08/RP/Pre-06/DAV dated 21.12.2021 have stated that "As per PCDA(P) Allahabad Circular No.568 dated 13.10.2016 w.e.f. 1.1.2006 for the rank of MWO and subsequent circulars, you are advised to approach your PDA(Bank/DPDO/Treasury) for revision of service pension as per ibid circular. It is also evident from record that your last rank held as MWO has already been notified vide PPO No.08/14/B/CORR/04643/2004 issued by O/o JCDA(AF)".

5. We have heard the Learned Counsel for both the parties and perused the documents available on record.

6. The basic question involved in this Original Application of pension based on last rank held is no more res integra. After considering the issue in detail and in the light of the GOI MOD Letter No.B/39013/AG/PS-4(a&c)/131/A/D/(Pen/services) dated 9.2.2001, No.1(2)/2016-D(Pen-Pol) dated 30.09.2016 and a catena of Tribunal Orders which have clearly ruled that the stipulation of 10 months service in last rank being mandatory for grant of pension in that rank no longer holds good (AFT, PB

Order in TA NO.339/2010 dated 29.01.2010, AFT, RB Chennai Order dated 13.12.2014 in OA No.62 of 2014, AFT, RB Chennai Order dated 28.03.2016 in OA No.96 of 2016 and AFT, RB Kochi Order dated 17.11.2017 in OA No.96 of 2017).

7. From the above, it is clear that the matter is well settled both in terms of Government Instructions and Tribunal Judgements and we are of the view that existing Regulations be amended by the Ministry of Defence clearly spelling out removal of any stipulation on earning pension on the last rank held by military personnel.

8. In-fine, it is declared that the Applicant is entitled to revised pension with effect from 1.7.2002 and subsequent revisions in accordance with GOI MOD Letter No.B/39013/AG/PS-4(a&c)/131/A/D/(Pen/services) dated 9.2.2001, No.1(2)/2016-D(Pen-Pol) dated 30.09.2016 PCDA (P) Circular No.568 dated 13.10.2016. Therefore, the Respondents are directed to issue necessary Corrigendum Pension Payment Order granting revised pension to the Applicant in the rank of Master Warrant Officer with effect from 1.7.2002 and as revised from time to time. The arrears will be paid to the Applicant within a period of three months from the date of receipt of this Order failing which the arrears will carry 8% interest per annum.

9. The Original Application is therefore allowed. The connected MA also stand disposed off accordingly.

10. No order on costs.

Sd/--

**LT GEN BOBBY CHERIAN MATHEWS
MEMBER (A)**

Sd/--

**JUSTICE K HARILAL
MEMBER (J)**

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To

1. M K Sikdar, Counsel for the Applicant
2. S Ajay Kumar, CGC for Respondents
3. OIC Legal Cell, Air Force Station, Begumpet
4. Library, AFT, RB, Chennai

**HON'BLE JUSTICE K HARILAL
MEMBER(J)
AND
HON'BLE LT GEN BOBBY CHERIAN MATHEWS
(MEMBER-A)**

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