

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A. No. 73 of 2019

Monday, the 21st day of March 2022

CORAM:

**HON'BLE MR. JUSTICE K.HARILAL, MEMBER (J) &
HON'BLE AIR MARSHAL SRK NAIR, PVSM, AVSM, VM, M-in-D, MEMBER (A)**

Applicant

Ex. Havildar/ Naib Subedar (Hony.) Sahadevan Nair K., Service No. 14363572-L
Aged 59 years, S/o. M. Krishnan Nair
Komalalayam, Alakunnam, Peyad P.O.
Thiruvananthapuram, Pin – 695 573.

(By Adv.R. Pushpangathan Pillai)

versus

1. Union of India, represented by the Secretary,
Ministry of Defence, South Block
New Delhi – 110 011.
2. The Chief of Army Staff, COAS's Secretariat
Integrated Headquarters of Ministry of Defence
(Army), South Block, New Delhi – 110011.
3. The Officer-in-charge, AAD Records
Gopalpur, Orissa, 908863, C/o. 56 APO.
4. The Principal Controller of Defence Accounts (Pensions)
Office of the PCDA (P)
Draupathi Ghat, Allahabad, U.P. – 211 014.

(By Adv. C.B. Sreekumar, Central Government Senior Panel Counsel)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A. No. 73 of 2019

Sahadevan Nair K. **Applicant**
Versus
Union of India and Ors. **Respondents**

For Applicant : Mr. R. Pushpangadan Pillai, Advocate
For Respondents : Mr. C.B. Sreekumar., Senior Panel
 Counsel

CORAM:

HON'BLE MR. JUSTICE K. HARILAL, MEMBER (J)
HON'BLE AIR MARSHAL S. R. K. NAIR, MEMBER (A)

ORDER
21.03.2022

The grievance of the applicant is that at the time of his retirement he was granted honorary rank of Naib Subedar, though he was holding the rank of Havildar, in recognition of his devotion and dedication to duty while in the service of the Indian Army. He has not been considered for the revised pay scale of the promoted rank, though the subject matter has been considered by different benches of the Hon'ble Tribunal and orders passed thereon and that the Hon'ble Apex Court upheld the view taken by the Hon'ble Benches of the Tribunal.

2 The learned Standing Counsel appearing for the respondents on instruction submitted that Annexure-R5 is the latest PPO and the amount in arrears of pension, in accordance with Annexure-R5 has already been granted to the applicant on 03/08/2010 as per Corrigendum PPO dated 6th May 2010 and thereby the respondents themselves have granted revised pension with arrears in the rank of Naib Subedar. The learned counsel appearing for the applicant submitted that the applicant was not aware of these things. In that context the respondent was directed to produce records from the bank to prove that they have already paid the revised arrears of pension in accordance with Annexure-R5.

3. Today the learned Standing Counsel appearing for the respondents has produced a copy of the letter issued by the Assistant General Manager, State Bank of India, Vazhuthakad Branch, Thiruvananthapuram, stating that an amount of Rs.1,45,028/- (Rupees One Lakh, Fourty Five Thousand and Twenty Eight only) was credited to the applicant's account No.57054227915 on 03/08/2010. In view of the aforesaid letter issued by the Assistant General Manager, SBI, we find that the matter in issue involved in this Original Application has become infructuous. In the above view this O.A. will stand dismissed as

infructuous. The registry is directed to incorporate the letter dated 22/02/2022 issued by the SBI as Annexure-R7 in the Original Application.

Sd/-
JUSTICE K. HARILAL
MEMBER (J)

Sd/-
AIR MARSHAL S. R. K. NAIR
MEMBER (A)

tk

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