

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A.No. 475 of 2018

THURSDAY, THE 10TH DAY OF JANUARY, 2019/ 20TH POUSHA, 1940

CORAM:

HON'BLE MR. JUSTICE BABU MATHEW P. JOSEPH, MEMBER (J)

HON'BLE LT. GEN. C.A.KRISHNAN, PVSM, UYSM, AVSM, MEMBER (A)

VETERAN HONORARY NAIB SUBEDAR
CHINDAN KUTTY. M No.6910852 'K'
"AYILYAM",
KOUVERI P.O., (VIA) CHAPPARA PADAV
KANNUR DISTRICT
KERALA – 670 581.

..... APPLICANT

BY ADV. V.K.SATHYANATHAN

versus

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY
MINISTRY OF DEFENCE, SOUTH BLOCK
NEW DELHI – 110 011. RESPONDENTS
2. THE CHIEF OF ARMY STAFF
INTEGRATED HEAD QUARTERS (ARMY)
NEW DELHI – 110 011.
3. THE OIC RECORDS
ARMY ORDNANCE CORPS RECORDS,
PIN – 900 453, C/O 56 A.P.O.
4. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS)
OFFICE OF THE PCDA (P), DRAUPADI GHAT,
ALLAHABAD, U.P – 211 014.

BY ADV.SRI.C.B.SREEKUMAR, SENIOR PANEL COUNSEL.

ORDER

Babu Mathew P. Joseph, Member (J)

1. This Original Application has been filed claiming pension as applicable to Honorary Naib Subedar with effect from 1.1.2006.

2. Heard Sri. V.K.Sathyanathan, learned counsel appearing for the applicant, and Sri.C.B.Sreekumar, learned Central Government Senior Panel Counsel, appearing for the respondents.

3. The applicant was discharged from the Indian Army on 30.06.2001 while serving as a Havildar. Subsequently, he was granted the Honorary rank of Naib Subedar on the occasion of the Independence Day, 2001. The applicant claims pension as applicable to Honorary Naib Subedar on the strength of the policy letter dated 12.6.2009 issued by the Government of India, Ministry of Defence.

4. There is no dispute with regard to the fact that

persons like the applicant are entitled to revised pension as applicable to Honorary Naib Subedars with effect from 1.1.2006 on the strength of the orders issued by the Government of India and as held by different Benches of the Armed Forces Tribunal. In fact, this Bench of the Armed Forces Tribunal considered a similar question in O.A.No.243 of 2017 (**Saseendran Nair K. v. Union of India and Others**) and answered the same in favour of the applicant therein, who is similarly placed like the applicant in the case on hand. Therefore, a detailed survey of the matter is not required in this case. The applicant is entitled to revised pension as applicable to Honorary Naib Subedar with effect from 1.1.2006 in terms of policy letter dated 12.6.2009 issued by the Government of India, Ministry of Defence, which is annexed as A3 in the Original Application.

5. In the result, it is declared that the applicant is entitled to revised pension as applicable to Honorary Naib Subedar with effect from 1.1.2006. Therefore, his pension has to be revised on that basis. This shall be done by the respondents and the arrears of pension shall be paid to him within a period of

three months from the date of receipt of a copy of this order, failing which the applicant shall be entitled to simple interest at the rate of 8% per annum for the arrears payable to him till their realisation. It is made clear that the amount of Rs.100/- per month which was already paid to the applicant after 1.1.2006 in terms of letter dated 6.11.1991 issued by the Government of India, Ministry of Defence, shall be adjusted against the amount due to the applicant as per this order and payment of the said amount of Rs.100/- per month shall be discontinued.

6. This Original Application is allowed as above. No costs.

Sd/-
LT. GEN. C.A.KRISHNAN
MEMBER (A)

Sd/-
JUSTICE BABU MATHEW P. JOSEPH,
MEMBER (J)

mds

/True copy/