

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

15.

RA 62/2024 with MA 5111/2024 & 5112/2024 in OA
1387/2024

UOI & Ors. Applicant
VERSUS
WO Ram Sarup Bhardwaj (Retd.) Respondents

For Applicant : Mr. Vaibhav Sabharwal, Advocate
For Respondents : None

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
03.04.2025

RA 62/2024 has been filed by the applicant i.e. the Union of India & Ors. arrayed as respondents to the OA 1387/2024 disposed of vide order dated 26.04.2024 in OA 1387/2024 whereby it was directed to the vide Para 11 thereof, to the effect :-

"11. The OA 1387/2024 is thus allowed and the respondents are directed as under:-

(i) Calculate the pension of the applicant based on the last held rank by him before retirement i.e. Warrant Officer and in consonance with the principles of calculation that have been upheld in JWO Gopalakrishnan in this regard; and

(ii) The applicant will be accordingly issued a fresh Corrigendum PPO in the last rank held by him within two months and the arrears paid accordingly, failing which, it shall carry interest @6% till actual payment."

2. The prayer made vide MA 5111/2024 seeks condonation of 153 days delay in institution of the Review Application no. 62/2024 and the Review Application itself seeks the confinement of the grant of the arrears of the last rank pension to the applicant to a period of three years prior to the institution of the OA.

3. There is no representation on behalf of the respondents to the present application, that is of the applicant of the OA 1387/2024 who however has been served on 12.11.2024 with the advance notice of these applications as per record and is thus deemed to have been served.

4. Reliance is placed on behalf of the applicant on the order dated 20.12.2024 of the Hon'ble High Court of Delhi in WP(C) 6815/2024, whereby vide Para 13 thereof, it was directed to the effect :-

“13. In view of the above, the learned Tribunal has clearly erred in directing the revised pension to be paid to the respondent right from the date of his discharge instead of confining the relief to the period commencing from three years prior to the date of his filing the OA.”

5. In view thereof, the prayer made by the applicants that is the Union of India & Ors., seeking the modification of the directions dated 26.04.2024 in OA 1387/2024 to the extent that the grant of the arrears of a last rank pension be confined to commence to run from the period of three years prior to the

institution of the OA instituted on 03.04.2024 is allowed, the RA 62/2024 is thus disposed of, accordingly.

6. In view thereof, the PPO be thus issued by the Union of India & Ors. respondents arrayed to OA 1387/2024 in terms of directions dated 26.04.2024 therein as modified vide the order hereinabove within a period of two months without default failing which the respondents would be liable to incur the interest @8% p.a. till the date of payment.

7. As a consequence thereof, MA 5112/2024 filed by the applicants seeking a stay of the operation of the order dated 26.04.2024 in OA 1387/2024 is rendered superfluous and is disposed of, accordingly. Copy of this order be served on the respondents to the application of RA 62/2024 as well as on his counsel.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

Yogita