

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

G.

OA 1273/2019

Ex Hav (Hony Nb Sub) Mahesh Kumar & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sukhbir Singh, Proxy for
Mr. Virender Singh Kadian, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC with
Capt Akanksha Singhal, OIC Legal

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

ORDER
23.09.2024

The matter was reserved for orders vide order dated 22.07.2024. A perusal of the record indicates that vide averments made in Para 4.4 of the OA it has been stated to the effect :-

“That as per Office of the PCDA(P) Allahabad Circular No 430 dated 10 March 2010 and Govt of India, Ministry of Defence, Deptt of Ex Servicemen Welfare letter no. PC/10(1)/2009-D(Pen/Pol) dated 08 Mar 2010 was issued for implementation of the Government decision on the recommendations of the Cabinet Secretary’s Committee- Revision of pension in respect of Personnel Below Officer Rank (PBOR) discharged prior to 01.01.2006. The above recommendations of the Committee have been accepted by the Government and the President is pleased to decided that wef 01 Jul 2009, service pension/special pension/invalid pension/liberalized

disability pension (in release cases only) of all pre 01.01.2006 PBOR pensions of Army, Navy and Air Forces. As per the ibid letter my client is fully entitled to Service Pension Rs. 9382/- wef 01 Jul 2009 in the rank of Naib Subedar as qualifying service 24 years. The husband of applicant No. 3 died on 04.08.2018 as per rule her husband is entitled for arrears till 24.09.2012 and family pension will be fixed accordingly of widow of Nb Sub.”

2. The Memo of Parties placed at page A of the record however, indicates that there are only two persons arrayed as applicants and there is no one arrayed as the applicant no. 3 as being the widow of the deceased Naib Subedar.

3. Counsel who has put in appearance is a proxy counsel. In view thereof, in the interest of justice, the matter be re-notified on 30.09.2024.

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

**(LT GEN C. P MOHANTY)
MEMBER (A)**

Yogita