

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

7.

OA 444/2025 with MA 717/2025

Sgt Krishna Rao Narshima Swamy (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. A K Chaudhary, Advocate  
For Respondents : Mr. Satya Ranjan Swain, Advocate  
Mr. Pankaj, Incharge DAV Legal Cell

CORAM

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

ORDER  
20.02.2025

The applicant vide the present OA makes the following prayers:-

*"A. To direct the respondents to pay arrears of last rank from the date it is ceased because it is against the Law settled on the subject; and.*

*B. To direct the respondent to revise the applicant's pension as per the last rank held at the time of retirement.*

*C. To direct the respondent to calculate the Applicant's pension in the rank of Sgt as per the policies of Govt, and the Circular of PCDA bearing No. 578/568/551.*

*D. To direct the respondents that arrears shall be paid to the applicant with 12% interest.*

*E. Any other just and equitable order in the interest of justice may kindly be passed.*

2. Notice thereof is issued to the respondents and accepted on their behalf. Grievance of the applicant is to the effect that though the applicant was promoted to the rank of Sergeant (Sgt)

on 01.11.1975 after enrolment in the Indian Air Force on 19.06.1962, though for some duration of time w.e.f 01.04.1979, he was granted his pensionary benefits in the rank of Sgt as per annexure A-2 placed at page- 17 of the records. When he went to submit his life certificate for the year 2022 his pension has since been revised and he is being paid pension in the rank of Corporal. The respondents whilst accepting notice of the OA do not oppose the prayer made by the applicant to the instant that the applicant in terms of the order of this Tribunal *EXJWO Krishna Moorthy and Ors. vs. Union of India* upheld by the Hon'ble Supreme Court in *JWO P Gopalakrishnan vs. Union of India and Ors.* in CA 7366-7367 of 2011 is entitled to the pension in the last rank held by of Sgt.

3. Submissions however, made on behalf of the respondents is to the effect that the grant of the arrears of pension be confined for a period of three years prior to the institution of the present OA which has been instituted of the date 23.01.2025. In view of the settled law order of this Tribunal in *EXJWO Krishna Moorthy and Ors. vs. Union of India* upheld by the Hon'ble Supreme Court in *Ex JWO Bharat Singh Khatana vs. Union of India and Ors.* as also the order of the Hon'ble High Court of Delhi in WP(C) 6815/2024 in *Union of India and Ors vs. HAVD SRINIVASA RAO, (Retd.)*, it is apparent that the applicant is entitled to the pension in the last rank held by him of Sgt and the respondents are thus directed to make the payment of the pension

to the applicant to the last rank held by him of Sgt and the arrears of pension are however directed to be confined for a period of three years prior to the institution of the present OA in view of the orders of the Hon'ble High Court of Delhi dated 20.12.2024 in WP(C) 6815/2024.

4. The PPO is directed to be issued by the respondents within a period of two months from the date of this order and the arrears be paid to the applicant within the said period of time, failing which, the applicant would be entitled to be paid interest @ 6% per annum till the date of payment. In the event of there being any further redressal that the applicant seeks after any subsequent orders on any challenge to the order dated 20.12.2024 in WP(C) 6815/2024 before the Hon'ble Supreme Court, it will be open to the applicant to seek redressal in accordance with law, subject to verification.

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

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

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