

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

5.

OA 2716/2023

Ex Hav Avninder Kumar Pandey Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Rajat, Proxy for
Mr. Ajit Kakkar, Advocate
For Respondents : Dr. V.S. Mahndiyan, Advocate

CORAM

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

ORDER
18.09.2023

The applicant vide the present OA makes the following prayers:

- (a) *To direct the Respondents to revise the pension of the Applicant on the basis of the last rank held by him i.e. Havildar (Hav) from the date of discharge (01.04.1998)*
- (b) *To direct the respondents to refund the recovered pension since February 2023.*
- (c) *To grant stay on recovery of amount Rs. 8746/- per month. The amount is being recovered on the account of Pension reduced as fixed at the rank of Naik instead of Havildar.*
- (d) *To direct the Respondents to pay 12% interest on the arrears of pension as per the judgments passed by this Hon'ble Tribunal.*
- (e) *To issue a Corrigendum PPO in respect of the Applicant reflecting the last rank held and the pension be revised accordingly.*
- (f) *To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.*

2. Notice of the OA is issued and accepted on behalf of the respondents. As regards prayer clause-(a) on behalf of the

respondents it is submitted that there is no opposition to the prayer made by the applicant, subject to verification qua the applicant having held the last rank of Havildar from the date of discharge i.e. 01.04.1998 which prayer is allowed in view of the order 21.12.2015 in *JWO P. Gopalkrishnan vs. Union of India and Ors.* in OA 62/2014 of AFT (PB) as adhered to by this Tribunal in a catena of the orders.

3. The requisite corrigendum PPO be issued by the respondents with the calculation and sanction of the pension of the applicant accordingly for payment of the pension to the applicant of the pension on the date of discharge and the last rank held by him as Havildar till the date of payment with directions to the respondents to pay the arrears within a period of three months from the date of receipt of a copy of this order, failing which, the respondents would be liable to pay interest @ 6% p.a. on the arrears due from the date of this order.

4. Qua the remaining prayers made through the present OA, notice thereof is issued and accepted on behalf of the respondents. The counter affidavit be filed by the respondents within a period of four weeks. Rejoinder, thereto, if any, be filed by the applicant within a period of four weeks thereafter.

5. List the matter before the Principal Registrar on **20.11.2023** for completion of pleadings and before the Bench thereafter. However till further directions there shall be a stay of

the recovery of an amount of Rs. 8746/- per month from the pension of the applicant.

Copy of the order be given **DASTI** as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

NMK/POOJA