

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

3.

MA 4618/2024 in OA 2172/2024

Ex CPO (WTR) Nand Kishore S Jadhav Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. A.K. Trivedi, Advocate
For Respondents : Mr. J S Yadav, Advocate

CORAM

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

ORDER
24.10.2024

MA 4618/2024 has been filed by the applicant who are the respondents arrayed to OA 2172/2024 seeking to the effect:

*“(i) Modify/correct the date of entitlement of Last rank held pension as 3 years prior to the date of filing of the Original Applications in each case, instead of the date of discharge.
(ii) Allow the respondents a further period of 3 months to implement the modified order/s.
(iii) Any other order(s) may be passed as deemed appropriate in the facts and circumstances of the case.”*

2. Vide Para 11 of order dated 12.07.2024 vide which OA 2172/2024 was disposed of, it was directed to the effect:-

*“11. The OA 2172/2024 is thus allowed and the respondents are directed as under:-
(i) Calculate the pension of the applicant subject to verification based on the last held rank by him before retirement i.e. Chief Petty Officer(WTR) 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.”

3. As regards, the word “Correction” mentioned on the heading on Page-1 of the said application and the word “Correct” in prayer clause 1 on page-4 of the application, the said words are expunged from the record, in as much as there is no error apparent on the face of the proceedings dated 12.07.2024.

4. In as much as the applicants submit to the effect that vide order dated 23.07.2024 of the Hon’ble High Court of Delhi in WP(C) 6815/2024, copy of which has been annexed as Annexure-MA 4 to the present application vide Para-5 thereof, it has been directed to the effect:-

“5. Till the next date, the operation of the impugned order, insofar as it directs payment of arrears of revised pension to the respondent w.e.f. 01.01.2001 will remain stayed. This would, however, not come in the way of the respondent’s entitlement to receive pension of a Havaldar with prospective effect.”,

presently, as interim measure, the issuance of the PFO by the applicant to the respondent of the present MA, that is the original applicant of OA 2172/2024, is directed to be issued without default within a period of four weeks from today for the payment to be made thereby to the extent of the arrears confined to a period of three years prior to the institution of the OA 2172/2024 instituted by the applicant thereof on 02.07.2024.

5. It is, however, made expressly clear that it would be open to the applicant to seek redressal, if any, after the orders of the Hon’ble High Court of Delhi in WP(C) 6815/2024 in relation to the prayers for the

entire period of the arrears of the last rank pension of the last rank held by the applicant as had been permitted vide the order dated 12.07.2024 in OA 2172/2024.

6. The prayer made vide para-2 of the application MA 4618/2024 by the applicants thereof seeking a further period of three months to implement the modified orders is expressly declined.

Re- list the matter on 29.11.2024

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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