

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

14.

OA 1744/2025

MWO Bishwanath Sinha (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : None
Mr. Pankaj, DAV Incharge

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
30.05.2025

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

8. RELIEF (S) SOUGHT:

In view of the facts mentioned in Para 4 and 5 above, the Applicant prays that this Hon'ble Tribunal may be graciously pleased to allow the present application with exemplary costs/damages by passing following orders/directions: -

- a) *Call for the Records based on which the Respondents did not grant the benefit of last rank pension to the Applicant from the date of his retirement by extending the Applicability of the Policies dated 07.06.1999, 09.02.2001 as well as 11.11.2008 as also the records based on which the Respondents have now revised the pension of the Applicant by issuing corrigendum PPO dated 02.05.2025 not only reducing the rank of the Applicant but also his pension from Rs.35,063/- to Rs.32,614/- which is now sought to be recovered from him and thereafter, quash all such orders including the corrigendum PPO dated 02.05.2025.*
- b) *Direct the Respondent to pass necessary orders by restoring the pension of the Applicant based on his earlier PPO in the rank of MWO with further direction to grant him arrears of such pension as well as restoration of any recovery if*

carried out in the meanwhile by making such payment of recovered amount and arrears from the date of his retirement with interest @18% in timeboundmanner.

c) Pass any other order/orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case.”

2. Along with the same is a prayer seeking grant of interim relief to the effect:-

“9. INTERIM ORDER, IF ANY PRAYED FOR:

a) That from the facts & circumstances brought-out in the instant OA it emerges that the Applicant has a good case to succeed and balance of convenience also lies in his favour. However, having regard to the time constraint, the instant OA is unlikely to be disposed of in near future, therefore, it is most humbly prayed that this Hon'ble tribunal may be pleased to allow the Applicant's interim prayer by passing the orders/directions to Stay the operation of the Impugned PPO dated 02.05.2025 and restrained the Respondent from carrying out any recovery from his pay and allowances till the disposal of the present OA or till further Orders whichever is later.

b) Pass any other order(s) and direction(s) as deemed appropriate by this Hon'ble Tribunal under the facts and circumstances of this case.”

3. In reply to a specific Court query qua averments made in para 4.11 and 4.12 of the OA which read to the effect:-

“4.11 That Applicant after realizing that the pension was not granted based on his last rank therefore, he sent a legal notice to the Respondents on 22.02.2017 for fixing the pension as per his last rank i.e. for the rank of Master Warrant Officer.

4.12 Thatthe Respondents replied to the said legal notice and asked to visit the Applicant to his bank for revising the pension for the rank of MWO and thereafter, the Applicant started getting pension on his last rank i.e. MWO. However, the revised pension given to the Applicant was prospective and was not given the arrears despite he was fully covered by the policies mentioned above and was entitled to such revision of his pension in the rank

of MWO from the date of his retirement along with arrears.”

on behalf of the applicant has been now submitted copy of corrigendum PPO No. 08/14/8/CORR/08884/98 which bears a stamp dated 28.12.1998 indicating the last rank of the applicant as being ‘MWO’. The applicant has submitted to the effect that despite the applicant having already been receiving pension in the rank of ‘MWO’, subsequently a corrigendum PPO No. 601199800758 dated 02.05.2025 i.e. the impugned order has been issued and that recovery is being effected from the pension of the applicant which is now paid in the rank of ‘Warrant Officer’ as per the impugned corrigendum PPO placed as Annexure A1.

4. As an interim measure, all further recoveries contemplated by the respondents in term of the impugned corrigendum PPO No. 601199800758 dated 02.05.2025 are stayed.

5. A short affidavit of the respondents be filed specifically in view of the corrigendum PPO dated 28.12.1998 within two weeks.

6. Re-list the matter on **18.07.2025**.

Copy of this order be given *DASTI* to either side.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

AP