

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

27.

MA 1057/2020, MA 2012/2023
AND MA 2601/2021 IN OA 227/2020

Sgt Adapa Veerabhadra Rao (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Sagar Mehlawat, Advocate for
Mr. H.V Shankar, Advocate for R-1, 2 & 4
None for R-3 & 5

CORAM

HON'BLE MS. JUSTICE ANJANA MISHRA, MEMBER (J)
HON'BLE LT GEN P M HARIZ, MEMBER (A)

ORDER
14.07.2023

Heard both sides.

2. The main prayer in the OA 227/2020 was that the applicant was aggrieved by the fact that though he was promoted to the rank of Sgt on 01.08.1993 and retired on 28.02.1994, he was paid pensionary benefits in the rank of Corporal (Cpl). It is seen from the records that the PPO issued to him bearing No.08/14/B/03638/1994 dated 17.02.1994 indicates the rank as Cpl, while the corrigendum PPO dated 27.10.1994 indicates the rank as Sgt, and the subsequent PPO dated 09.10.2020 once again indicates the rank as Cpl. Thus, the main issue at hand is that while the applicant is to be paid pension in the rank of Sgt

from 01.03.1994, he has been paid pension in the rank of Cpl for certain periods, for which arrears in the rank of Sgt is to be paid.

3. Based on the directions issued to the Respondents, they have filed an additional affidavit with the complete details of the pension paid to the applicant since 1994. The counsel for the respondents then demonstrated that the payments have been paid in the rank of Sgt, including arrears of OROP. The counsel for the applicant examined the details provided and stated that while there was no dispute in the pensionary benefits paid from 2006, it was still not clear from the details provided whether the applicant was paid the pension in the rank of Sgt commencing from 1994 or not.

4. On perusal of the additional affidavit filed by the respondents, we find that the details provided of payment of pension commencing from 1994 still does not conclusively indicate that the applicant was paid pensionary benefits in the rank of Sgt as per his entitlement. Respondents are therefore granted four weeks time to once again verify and place on record the rank in which pensionary benefits since his retirement in 1994 was paid.

5. List again on 16th August, 2023.

6. A copy of this order be provided ***DASTI*** to learned counsel for the parties.

(ANJANA MISHRA)
MEMBER (J)

(P. M. HARIZ)
MEMBER (A)

Neha