

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

68.

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

Sgt Adapa Veerabhadra Rao (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Manoj Kr Gupta, Advocate

For Respondents

: Mr. Sagar Mehlawat, Advocate for
Mr. Harish V Shankar for R 1-2 and 4,
Mr. Ashok Kumar, Advocate for R-3 and 5
(Bank)

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
15.09.2023

MA 1057/2020

Learned counsel for the applicant invites our attention to Para 4 of the order passed by this Tribunal on 14.07.2023 and submits that till date respondents have not clarified the queries made by this Tribunal.

2. Today while hearing the matter, Mr. Sagar Mehlawat, learned proxy counsel appearing on behalf of the respondents invites our attention to a short affidavit filed on 23.01.2023 and the documents available on record. A persual of the PPO (Annexure R1) issued on 17.02.1994 indicates that in the said PPO the last rank of the applicant is shown as Cpl.

3. However, after orders were passed by this Tribunal and thereafter the same was corrected vide PPO issued on 27.10.1994

and the rank of the applicant is shown as Sgt and it is stated that since 1994 the pension in the grade of Sgt has been granted to the applicant and arrears were also paid within a period of eight months from the issuance of the earlier PPO.

3. Subsequently, when another PPO was issued on 09.10.2020 (Annexure R3), the designation was again shown as Cpl and the mistake was immediately corrected on 29.12.2021 (Annexure R4) and the rank of the applicant is shown as Sgt. Subsequently, the applicant is now receiving the pensionary benefits in the rank of the Sgt which was the last rank held by him.

4. A perusal of the documents which have now been brought to our notice today reveals that there may be some mistake in grant of pension to the applicant during the period 17.02.1994 to 27.10.1994 and again from 09.10.2020 to 29.12.2021. Apart from that, the PPOs issued indicate the last rank of the applicant as Sgt.

5. The Bank is directed to bring on record the statement with regard to the arrears of the pension paid to the applicant, if any, or the rate at which the pension was paid to the applicant between 17.02.1994 to 27.10.1994 and again from 09.10.2020 to 29.12.2021 and when the corrected PPOs were issued on 29.12.2021 and prior to that on 27.10.1994, whether on issuance of the corrected PPOs, as indicated hereinabove, any arrears were

granted to the applicant. Let this statement be filed by the respondent - Bank within six weeks.

5. We make it clear that after filing of the statement by the Bank, if we find that the applicant has been paid all the arrears, we would take consequential actions against the applicant for wasting the time of the Court and making false averments in this application.

6. List the matter on **1st December, 2023**.

7. Let a copy of this order be provided '**DASTI**' to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

Ps