

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

40.

MA 4300/2024 in OA 340/2024

JWO V Shrikrishna Prasad (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate  
For Respondents : Ms. Garima Sachdev, Advocate with  
Ms. Divyanshi Maurya, Advocate with  
Sgt Pankaj Sharma, DAV

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

ORDER  
07.10.2024

MA 4300/2024 has been filed by the applicant seeking implementation of the order dated 09.02.2024 in OA 340/2024 whereby vide Para 11 thereof, it was directed to the effect :-

*“11. The OA 340/2024 is thus allowed and the respondents are directed as under:-*

*(i) Calculate the pension of the applicant based on the last held rank by him before retirement i.e. Junior Warrant Officer, 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.”*

2. Whilst accepting notice of the application on behalf of the respondents, it is submitted that the arrears granted of the last rank of the pension to the applicant have not been restricted for the period of three years prior to institution of the OA and it is sought that the order be modified accordingly.

3. In view of the order dated 23.07.2024 of the Hon'ble Division Bench of the High Court of Delhi in WP(C) 6815/2024 wherein it has been observed vide Paras 3, 4 and 5 thereof, to the effect :-

*“3. Insofar as the first plea of the petitioners is concerned, we find that the learned Tribunal has relied on the decision of its Regional Bench at Chennai in O.A. 62/2014 titled JWO Gopalakrishnan v. UOI & Ors. Having perused the said decision, which was unsuccessfully assailed before the Apex Court, we find no merit in this plea of the petitioners. However, we are prima facie inclined to accept the petitioners' second plea that arrears of revised pension could not have been directed to be paid to the respondent w.e.f. 01.01.2001 and the same should have been restricted to a period of 3 years to the date of filing of the O.A.*

*4. Accordingly, issue notice confined to the question of the date from which the respondent would be entitled to receive arrears of revised pension. Learned counsel for the respondent accepts notice. Counter affidavit, if any, be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.*

*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, it is directed that the grant of the arrears of the last rank pension to the applicant in terms of the order dated 09.02.2024 in OA 340/2024 are restricted to a period of three years prior to institution of the OA 340/2024 instituted on 18.01.2024. It would be open to the applicant however, to seek redressal, in relation to the aspect of the grant of the arrears of the last rank pension prior to a period of three years to the institution of the OA after disposal of WP(C) 6815/2024 by the Hon'ble High Court of Delhi.

5. The PPO be placed on the record by the respondents for next date of hearing.
6. The matter be re-notified for hearing on **18.11.2024**.
7. Copy of this order be given *DASTI* as prayed.

**(JUSTICE ANU MALHOTRA)  
MEMBER (J)**

**(LT GEN C. P MOHANTY)  
MEMBER (A)**

Yogita