

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI**

O. A. No. 257/10

Major Banwari Lal

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner : Petitioner in person.

For respondents: Sh. Ankur Chibber, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.**

**HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER**  
**08.12.2010**

1. Petitioner by this petition has prayed that respondent may be directed to redetermine his pension taking into consideration that he was drawing the salary in Selection Grade of a Major i.e.Rs.1900/- w.e.f. 1.3.1982. Petitioner has produced before us a communication (No.ARCH/PC/PRE-86/Gen.Corr./1984 dated 29.4.1999) sent to him from the Accounts Officer (Arch/PC) Office of CDA, Golibar Maidan, Pune in which there is an endorsement mentioned that officer was promoted in the Selection Grade of Major w.e.f. 01.03.1982 and accordingly he was drawing a salary of Rs.1900/- in the Selection Grade of a Major and his pension should be fixed accordingly. The grievance of the petitioner is

that despite the fact that he was drawing Rs.1900/- in Selection Grade as a Major but his pension has been fixed taking it a basic salary of a Major i.e. Rs.1800/- and whereby it has caused him great loss in Pension and in the 5<sup>th</sup> & 6<sup>th</sup> Pay Commission.

2. A reply was filed by the Respondent and respondent has submitted that the petitioner's basic notional pay as on 1.1.86 was Rs.3800/- with rank pay of Rs.600/- and accordingly his pension has been determined. But the submission of the petitioner in person is that as per aforesaid communication he was drawing Rs.1900 while he retired as a Selection Grade Major, therefore, his pension should be determined on that basis. As per the document Annexed-E dated 9.4.1999, it appears that petitioner was getting Rs.1900/- as Selection Grade Major and his pension should be accordingly revised and all consequential benefits should be given to the petitioner.
3. The difference in the arrears be worked out and given to the petitioner within three months.
4. Petition is disposed of with aforesaid directions. No order as to costs.

A.K. MATHUR  
(Chairperson)

M.L. NAIDU  
(Member)