

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

TA No. 589/2009

[W.P. (C) No.650/1999 of Delhi High Court]

Ex Sub Maj Matu Ram

.....Petitioner

Versus

Union of India & Others

.....Respondents

For petitioner: Sh.A.K. Trivedi, Advocate

For respondents: Sh.Anil Gautam, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.  
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER  
27.01.2010**

1. The present petition has been transferred from Hon'ble Delhi High Court to this Tribunal on its formation.

2. Petitioner by this writ petition has prayed that respondents may be directed to grant him the pension for the rank of Honorary Subedar Major.

3. Brief facts which are relevant for the disposal of present petition are that petitioner was enrolled as Sepoy in the Army Supply Corps on 21.05.1953 and served the nation during the wars of 1962, 1965 and 1971. He was awarded many medals. Petitioner was promoted to the rank of Naib Subedar on 19.12.1973 and served the nation with distinction. Thereafter, petitioner was retired from service on completion of his period of service with effect from 31.05.1981 on rendering 28 years of pensionable service. After retirement, he was granted Honorary Commission to the rank of Subedar Major but he is getting the pension of Naib Subedar. Therefore, he filed the present writ petition before the Hon'ble Delhi High Court which has been transferred to this Tribunal after formation of Armed Forces Tribunal, submitting that as per regulation 137 of Pension Regulations for the Army when a Havaldar is granted the Honorary rank of Naib Subedar, on retirement he is entitled to

additional pension equal to 20% of the basic pension for this honour whereas in case of petitioner who is Naib Subedar granted Honorary Commission to the rank of Subedar Major does not get any pensionary benefit for this honour.

4. Learned counsel for respondents has pointed out that when Honorary Commission is granted to Havaldar to the rank of Naib Subedar then he gets 20% allowance of the basic pay whereas when a Naib Subedar granted Honorary rank of Subedar Major then he is not entitled to 20% allowance of the basic pay because he is a junior commissioned officer whereas Havaldar remains non junior commissioned officer. Therefore, Honorary Naib Subedar and Honorary Subedar Major both are commissioned officers. Both these two cases are distinct and there is no question of any parity between them. This argument on behalf of learned counsel for respondents appears to be correct. Havaldar becomes Naib Subedar is given 20% after grant of Honorary rank while in service but so far as Naib Subedar is concerned, he is already a junior commissioned officer and he carries the salary of junior commissioned officer and after getting



the Honorary rank of Subedar Major, he only gets the pension of Naib Subedar and he is not entitled to the pensionary benefit for the Honorary rank of Subedar Major. It is a matter of policy there is no discrimination as both persons are not similarly situated. Consequently, we do not find any merit in the petition. / Same is dismissed with no order as to costs.

**A.K. MATHUR**  
(Chairperson)

**M.L. NAIDU**  
(Member)

**New Delhi**  
**January 27, 2010.**