

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

15.

O. A. No. 567 of 2010

Ex. JWO S. P. Yadav Clk GD

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Ms. Jagriti Singh, Advocate.

For respondents: Wg. Cdr. A. Kakkar.

CORAM:

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

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

10.3.2011

1. The petitioner, by this petition has prayed for releasing his post retiral benefits including Provident Fund and other benefits and the respondents may be directed to release the remuneration to the petitioner w.e.f. 1.10.2009 till 30.4.2010 with full benefits having less paid during this period.
2. The petitioner was enrolled in the Air Force as an Airman on 1.10.1980 and he was to be discharged by order dated 16.12.2008 w.e.f 30.9.2009, meanwhile, he was charged under the Court Martial and eventually, he was punished on 24.2.2010 by a severe reprimand. Thereafter, he was discharged on 13.4.2010. Therefore, the grievance of the petitioner is that his post retiral benefits in this situation may be released to him.
3. Wg. Cdr. A. Kakkar appearing for the respondents submits that the PPO has been issued on 3.3.2011. Copy has been given to learned counsel for the petitioner. Therefore, so far as the post retiral benefits are concerned, the same have now been

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released. Therefore, learned counsel for the petitioner submits that since the petitioner has retired on 13.4.2010 and the PPO has been issued on 3.3.2011, therefore, he should be given interest on the arrears of his post retiral benefits. It is also prayed that on 24.2.2010 as a result of the Court Martial, he has been given a severe reprimand, therefore, his papers should have been moved after the termination of the Court Martial proceedings and that normally three to six months' time is taken by the respondents to do the needful and the period of six months is legitimate for the respondents to release the post retiral benefits. Therefore, the petitioner is not entitled to arrears for a period of one year. However, he is entitled to the arrears for the period w.e.f. 25.8.2010 till 3.3.2011 4.8.2010, giving six months' time to the respondents to have released his post retiral benefits after 24.2.2010. The PPO has been issued and the post retiral benefits have been released on 3.3.2011. For this period, the petitioner should be adequately compensated. Accordingly, we allow 12% interest on his post retiral benefits for the period from 25.8.2010 till 3.3.2011. The petition is disposed of with the above said observations. No order as to costs.

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

**S.S. DHILLON**  
**(Member)**

**New Delhi**  
**March 10, 2011**