

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

39.

RA 31/2023 with MA 3355/2023 in OA 1763/2021

In the matter of :

UOI & Ors

... Applicant

Versus

Gp Capt Prabhakar Zola

... Respondents

For Applicant : Shri Prabodh Kumar, Advocate

For Respondents : Shri Ajit Kakkar, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C P MOHANTY, MEMBER (A)

ORDER
21.08.2023

This application has been filed for review of the order passed by this Tribunal in OA No. 1763/2021 wherein based on the well settled legal principle as laid down in the case of JWO *P. Gopalakrishnan Vs. Union of India and Ors. OA No.62/2014 decided on 13.02.2015*, it was directed that the last rank pension should be granted to the applicant based on the Government policy as are indicated in the Para 5 of the order passed on 29.05.2003.

In the Original application, applicant had filed various documents which indicated that at the time of retirement,

the applicant was holding the rank of Gp Capt. These were primarily documents pertaining to grant of pension and other service details based on the same, finding the last rank of the applicant to be Gp Capt. his application was allowed. Now in this application, the primary ground canvassed by the Union of India (Respondents in OA No.1763/2021) seeking review of the order is ground (C) of the review application wherein it is submitted that there is no Gazette Notification showing the applicant to be appointed on the post of Gp Capt. It is said that due to non-availability of Gazette Notification for the higher rank in respect of the applicant in the OA, last rank pension cannot be given.

We have taken note of all these factors and we have considered the observations made in a communication available in the original file which is impugned order (Annexure A-1) dated 23.07.2021, wherein there is already a request made for endorsement of DGN for the rank of Gp Capt. and to grant him pension in the last rank of Gp Capt.

Taking note of all these factors when the application was allowed merely because there is no Gazette Notification issued which may be a part of the records, we find no error



apparent on the face of the record warranting reconsideration. The application is therefore dismissed.

[RAJENDRA MENON]
CHAIRPERSON

[C. P. MOHANTY]
MEMBER (A)

sm