

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

30.

OA 2382/2022

Group Capt A Suresh (Retd) Lgs

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Mr. Y Venugopal, Advocate
For Respondents : Mr. Anil Gautam Sr CGSC

CORAM :

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

ORDER
05.10.2023

OA 2382/2022

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, applicant has filed this application and the relief claimed in Para 8 reads as under:-

- “(a) To direct the respondents to forthwith release the Applicant's pension and other retirement benefits in the Rank of Gp Capt from 01.06.2017; (Date of PSS 31.05.2017)
- (b) To direct the respondents to pay penal interest @ 12% per annum on the arrears due to the applicant on enhancement of his pension and other retirement benefits in the rank of Gp Capt from 01.07.2017 till the date of payment of arrears;
- (c) To award exemplary costs to the tune of Rs. 50,000/- to the applicant for the harassment and financial distress caused to him and his family member on account of the inordinate delay in grant of enhanced pension and other retirement benefits in the rank of Gp Capt; and”

2. Mr. Y. Venugopal, learned counsel for the applicant invites our attention to an order passed by a coordinate Bench of this Tribunal on 29th May, 2023 in OA 1763/2021 **Gp Capt Prabhakar Zola Vs. Union of India** wherein based on the earlier judgments in the matter of grant of last rank pension decided by the Regional Bench, Chennai in case of **JWO P. Gopalakrishnan Vs. Union of India and others** (OA 62/2014) decided on 13th February, 2015, the issue which canvassed by **Gp Capt Prabhakar Zola (supra)** was considered in detail by the Bench and after considering the same application was allowed in the following terms.

“ 4. Keeping in view the aforesaid, the OA is allowed. Subject to verification, the respondents are directed as under:

- (i) Calculate the pension of the applicant based on the last rank held by him before retirement i.e. Gp Capt and in consonance with the principles of calculation that has been upheld in the judgment of JWO P. Gopalakrishnan (supra) in this regard; and
- (ii) The applicant will be accordingly issued a fresh Corrigendum PPO in the last rank held by him within a period of four months and arrears paid accordingly, failing which it shall carry interest @ 6% till actual payment.”

3. Having heard learned counsel for the parties, we see no reason to take a different view as the review application filed in the case of **Union of India and Others Vs. Gp Capt Rajendra Kumar**

Joshi (Retd) being RA 35/2023 has also been dismissed very recently on 4th September, 2023 and in the case of Gp Capt Prabhakar Zola the execution application has been filed in which notice has been issued to the respondents.

4. Keeping in view the aforesaid, we allow the application in the terms of the order already passed by a Coordinate Bench in the case of Gp Capt Prabhakar Zola (supra). All benefits as granted in the said case of Gp Capt Prabhakar Zola (supra) be granted to the applicant.

[RAJENDRA MENON]
CHAIRPERSON

[P.M. HARIZ]
MEMBER (A)

Priya
OA 2382/2022