

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

A..

OA 957/2015

Ex Rfn Satender Kumar (deceased)
through Smt Veermati (wife)

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Naresh Ghai, Mr U S Maurya &
Mr J P Sharma, Advocates

For Respondents : Mr. Shyam Narayan, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT. GEN. P.M. HARIZ, MEMBER (A)

ORDER

19.12.2023

Vide our detailed order of even date, we have partly allowed the main OA No. 957/2015. Faced with this situation, learned counsel for the respondent makes an oral prayer for grant of leave for impugning the order to the Hon'ble Supreme Court in terms of Section 31(1) of the Armed Forces Tribunal Act, 2007.

After hearing learned counsel for the respondent and going through our order, in our considered view, there appears to be no point of law much less any point of law of general public importance involved in the order, therefore prayer for grant of leave to appeal stands dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT. GEN. P.M. HARIZ]
MEMBER (A)

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

O.A. No. 957 of 2015

In the matter of :

Ex Rfn Satender Kumar (deceased)
Through Smt. Veermati (Wife) ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Shri Naresh Ghai, Advocate

For Respondents : Shri Shyam Narayan, Advocate

CORAM :

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

ORDER

This OA has been filed under Section 14 of the Armed Forces Tribunal Act, 2007, by the original applicant, who was a retired Sepoy and was aggrieved on not being granted service pension, disability pension, recovery made from his pay and allowances, and not being granted the benefits of MACP. The original applicant has since expired on 20.06.2018 and MA No. 1453/2018 was filed by the widow to substitute her in place of the deceased applicant. The matter was heard and vide our order dated 14.02.2019, the individual's name (Smt. Veermati) was substituted in place of

the original applicant, since deceased (hereinafter referred to as 'deceased soldier'). The original applicant has made the following prayers :

- “(a) Quash Recovery of Rs. 445,632.***
- (b) Grant disability pension (minimum 50%) for the disability of Seizure.***
- (c) Include service element by condoning shortfall of 315 days, without the 5% cut, being 50% of the last Pay entitled on discharge on 31-3-2014 with commutation, by including 1st & 2nd financial up-gradations as ACP (vide SAI 1/S/2008) with interest @ 12% p.a. as has been held by the AFT (PB) vide order dt 31-7-2014 in OA 128/14 ‘Ex-Sep/Chef Daya Shankar Tiwari and also grant TAGIC, Gratuity, Leave Encashment for 140 days, etc.”***

Brief Facts of the Case

2. The brief facts of the case are that the deceased soldier was enrolled on 02.03.1997 in 105 Bn (TA) and was discharged on 31.03.2014. On discharge, the deceased soldier had only 14 years and 50 days of embodied service and thus there was a shortfall of 315 days of service for being entitled to service pension. In January, 2012, he was diagnosed with the disability of Seizure Disorder and placed in low medical category. He was later placed in low medical

category P2 (Permanent) in December, 2012. However, he was not paid any disability pension on his discharge. It is also the case of the deceased soldier that his pay and allowances due to him were not paid to him on the grounds that his account had a debit balance of Rs. 4,45,632/- on account of excess payments during his service from time to time. The deceased soldier was also aggrieved by the fact that he was not granted the benefits of MACP-1 and 2 although he had served the required period to qualify for these financial upgradations.

Arguments by the Counsel for the Applicant

3. The counsel for the applicant reiterated the service details and explained that TA personnel were also entitled to pension on completing a minimum disembodied service of 15 years. Explaining that the deceased soldier had a shortfall of 305 days of service to qualify for pension, the counsel reiterated that numerous service personnel have been granted pension and second pension after condoning shortfall upto one year. The counsel strongly asserted that the shortfall of 315 days of embodied service be condoned in the case of the original applicant.

4. Referring to the stoppage of pay and allowances, the counsel stated that the deceased soldier was merely given a final statement of account and told that since his account had a debit balance, he cannot, therefore, be paid his normal dues till he paid Rs. 4,45,632/- and cleared his existing debit; that his retiral dues can be processed for payment and refunded to him only after the existing debit is cleared. The counsel stated that since the deceased soldier was a poor soldier, he did not then have the capacity to immediately liquidate the debit balance. Resultantly, he was never paid his retiral dues.

5. Referring to the issue of MACP, the counsel reiterated the policy on MACP and emphasised that since the deceased soldier had put in 14 years of service without any promotion, he was entitled to MACP financial upgradation as per the provisions of the 6th CPC. The counsel then added that since the deceased soldier had been placed in permanent low medical category and had been discharged in low medical category for seizure disorder, he was also entitled to disability pension. The counsel concluded by stating that the OA be

allowed and the entitlements and dues of the applicant be paid expeditiously.

Arguments by the Counsel for the Respondents

6. The counsel stated that there was no dispute over the fact that the deceased soldier was discharged with 14 years and 50 days of embodied service. Thus, since he had not completed 15 years' embodied service, he was not granted service pension as per the pension rules in vogue and drew our attention to Appendix XXVII of TA Regulations at Annexure R-7. The counsel also added that condonation of shortfall of service was also not processed since the deceased soldier had not submitted any application for condonation of shortfall of service.

7. Referring to the deceased soldier's claim for MACP, the counsel drew our attention to AG's Branch letter dated 13.06.2011 at Annexure R-9 and stated that though the provisions of SAI 1/S/2008 regarding implementation of 6th CPC were applicable to TA personnel, MACP was not applicable to TA personnel as TA service was not physical service, unlike the Army.

8. Referring to the non-payment of other dues on retirement, the counsel drew our attention to Records, RAJRIF letter dated 03.07.2015 at Annexure R-10 and said that the deceased soldier was informed through this letter that his account had a debit balance of Rs.2,59,668/- and directed that the applicant could deposit the amount through MRO and then the payment would be made.

9. Referring to the issue of disability pension, the counsel stated that the applicant was first diagnosed for Seizure Disorder on 06.01.2012 and was placed in P2(Temp) medical category. Later the deceased soldier was placed in low medical category P2 (Permanent) from 04.12.2012 and in this connection drew our attention to AFMSF-15 dated 10.12.2012 at Annexure R-4.

10. The counsel concluded that the deceased soldier was not entitled to service pension, since he did not have the minimum prescribed embodied service. And that the deceased soldier had not sought condonation of the shortfall for grant of service pension. That as per the current policy, MACP was not authorised to personnel of TA. That when the final account had been settled, there was a debit balance of

Rs.2,59,668/- and since the deceased soldier had not yet paid this amount, his normal dues have not been released. He vehemently asserted that the OA be dismissed.

CONSIDERATION OF THE CASE

11. Having heard both parties at length, the following issues are required to be adjudicated :

- (a) Whether the shortfall of **315** days of service can be condoned to entitle the deceased soldier for service pension and therefore will entail the NOK to family pension.
- (b) Clearance of the debit balance so that the normal dues can be then paid to the NOK now.
- (c) Whether the deceased soldier is entitled to the financial upgradation of MACP as a TA soldier.
- (d) Whether the deceased soldier is entitled to disability pension.

Condonation of Service

12. Section 9 of Territorial Army Act, 1948, specifies that Territorial Army Personnel are subject to Army Act, 1950. The aforesaid Para is reproduced below:-

"9. Every officer, when doing duty as such officer, and every enrolled person when called out or embodied or attached to the Regular Army,

shall, subject to such adaptations and modifications as may be made therein by the Central Government by notification in the Official Gazette, be subject to the provisions of the Army Act, 1950, and the rules or regulations made thereunder in the same manner and to the same extent as if such officer or enrolled person held the same rank in the Regular Army as he holds for the time being in the Territorial Army."

13. In terms of Regulation 182 of the Pension Regulations for the Army, 2008 (Part-I), Territorial Army personnel are governed by the same general regulations as applicable to the regular Army. The aforesaid Section is reproduced as under:-

"182. The Grant of pensionary awards to the service personnel shall be governed by the same general regulations as are applicable to the corresponding personnel of the Army except where they are inconsistent with the provisions of regulations in this chapter. These regulations shall not apply to those who are:-

(i) Civil Government servants holding permanent appointment.

(ii) Retired Civil Government servants."

14. Further, Regulation 186 of the Pension Regulations for the Army, 2008 (Part-I) provides that the Territorial Army personnel below officer rank are eligible for grant of service

pension after completion of 15 years embodied service. The aforesaid Para is reproduced as under:-

"186. All Territorial Army personnel (other than civil government servants and civil pensioners), who have a minimum qualifying aggregate embodied service of 20 years in the case of officer and 15 years in the case of personnel below officer rank, shall be eligible for service pension".

15. Regulation 125 of the Pension Regulations for the Army, 1961, provides for condonation of deficiency upto six months by the respondents, meaning thereby that a person with 14 years and 6 months of service could be granted pension by condoning the shortfall for six months. This condonation was exercisable by the respective Record Offices. Further, MoD vide Letter No. 4684/DIR(PEN)/2001 dated 14.08.2001, enhanced the condonable period up to one year (12 months) by providing the following:

"Sanction is hereby accorded in pursuance of MOD ID No. 34(3)/2001/D(O&M) n dated 03.08.2001 for delegation of administrative powers with the approval of Raksha Mantri to the Service HQrs in respect of the subjects indicated below:-

(i) * * *

(v) Condonation of shortfall in Qualifying Service for grant of pension in respect of PBOR beyond six months and up to 12 months."

16. Thereafter, Regulation 44 of the Pension Regulations for the Army, 2008, (Part-I), provides that the deficiency in service for eligibility pension/gratuity may be condoned up to 12 months. Moreover, this Tribunal in catena of judgments and more recently the Full Bench of this Tribunal by its judgment dated 01.10.2019 in **Smt. Shama Kaur Vs. Union of India & Ors. etc. [O.A. No. 1238 of 2016 etc.]** dealt with the question of condonation of deficiency of service as applicable to Army personnel in terms of MoD letter dated 14.08.2001 and Para 44 of the Army Pension Regulations for grant of second service pension to DSC personnel, or are they to be dealt with in terms of MoD letter dated 20.06.2017. The Tribunal held that DSC personnel were fully entitled to condonation of deficiency of service for their second spell of service at par with other Army personnel. Similarly, we have no hesitation in upholding that the same benefits will be applicable to TA personnel as well, in terms of Regulation 182 of the Pension Regulations for the Army, 2008 (Part-I).

17. This issue has been examined in detail by the AFT (PB) in the order dated 19.09.2023 passed in **Ex Nk (TA) Dev Bahadur Thapa Vs. Union of India and Ors. etc. [O.A. No. 429 of 2016 etc.]**, wherein taking note of a judgment of Hon'ble Supreme Court in **Pani Ram Vs. UoI & Ors [2021 SCC OnLine SC 1277]**, the Apex Court observed that for the grant of pensionary award, the rules and regulations made for regular Army personnel are applicable to the Territorial Army personnel also. Relevant extracts of the order of *Ex Nk (TA) Dev Bahadur Thapa (supra)* are as under :

"29. Moreover, in Pani Ram Vs UoI & Ors. 2021 SCC On Line SC 1277, the Hon'ble Apex Court has held-

"16. It could thus be seen that the grant of pensionary award to the members of the Territorial Army shall be governed by the same rules and regulations as are applicable to the corresponding persons of the Army except where they are inconsistent with the provisions of Regulations in the said chapter.

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21. In case of conflict between what is stated in internal communication between the two organs of the State and the Statutory Rules and Regulations, it is needless to state that the

Statutory Rules and Regulations would prevail. In that view of the matter, we find that AFT was not justified in rejecting the claim of the appellant."

30. Although, the judgment of *Pani Ram (supra)* pertains to disability pension but a conjoint reading of Para 16 of the judgment in *Pani Ram (supra)* and the above mentioned statutory rules and regulations makes it clear that; firstly, Territorial Army personnel are subject to Army Act, 1950 and Rules made for regular Army personnel are applicable to Territorial Army personnel as well; Secondly, Para 186 of the aforesaid Regulations clearly lays down that Territorial Army personnel are eligible for grant of service pension after completion of 15 years of service.

31. Similarly, the judgments of the Hon'ble Supreme Court in *Union of India Vs Ashok Kumar Aggarwal (supra)* and *Pani Ram (supra)* make it abundantly clear that in the event of an inconsistency or conflict between a statutory provision and internal communication between the two organs of the State, the Statutory Rules and Regulations would prevail. Since Pension Regulations for Army-2008 (Part-I) are Statutory Regulations, executive instructions through letters dated 05.10.2003 and 31.03.2008 as referred to by the respondents cannot supersede the provisions of Pension Regulations for Army-2008 (Part-I) wherein as per Regulation 182 of the Pension Regulations for the Army, 2008 (Part-I), person below officer rank of TA personnel are

entitled to pension on completion of 15 years of embodied service. Moreover, TA personnel are also entitled to condonation of up to one year in qualifying service in terms of Regulation 44 of Pension Regulations for the Army, 2008 (Part-I).

32. In the light of the above analysis, we are of the view that the PBOR of TA Bn (Eco) are entitled to pension on completion of 15 years of embodied service. The applicant in OA 428/2016 is entitled for condonation of less than one year shortfall in qualifying service. Resultantly, both the applicants are entitled to service pension."

18. In view of the above, we hold that the same benefits as per the rules and regulations of the regular Army personnel will be applicable to TA personnel and, therefore, the applicant is entitled for condonation of 315 days of service. Resultantly, the applicant is entitled to service pension.

Final Settlement

19. We have examined the final statement of account and the details thereof from the records of the PAO (OR). The applicant at the time of discharge had Rs. 1,85,964 in credit and he had a debit of Rs. 4,45,632. Thus the applicant had a net debit of Rs. 2,59,668, which was required to be paid by him to settle the account so that all his other retiral benefits could be paid to him. Since we have condoned the shortfall

in embodied service for service pension, the applicant will now be eligible for full service pension from his date of retirement i.e. 31.03.2014. Since the arrears of full service pension from 31.03.2014 to 20.06.2018 (date of demise) and family pension from 21.06.2018 till date is now required to be paid, the debit balance be verified and Rs. 2,59,668 be adjusted from the total arrear due to the applicant.

MACP

20. The respondents had relied on Annexure R-9 to state that the applicant was not eligible for MACP. From the records it is seen that vide letters of AG's Branch/PS-2 dated 27.01.2016 and 08.04.2016, MACP has been made admissible to TA personnel as well. The letters are extracted below :

**Addl Dte Gen Pers Service
Adjutant General's Branch
Integrated HQs of MoD (Army)
New Delhi - 110001
27 Jan 2016**

B/33513/ACP/AG/PS-2(c)

**Headquarters
Southern Command, Pune
Eastern Command, Kolkata
Western Command, Chandimandir
Central Command, Lucknow
Northern Command, c/o 56 APO
Army Trg Command, Shimla
South Western Command, Jaipur
A&M Command, Port Blair
SFC (Land Vector), New Delhi
IDS, New Delhi**

**ADM INSTRS : GRANT OF MACP AS GRANTED BY THE GOVT
CONSEQUENT TO VIth CPC**

1. Ref GoI, MoD (Army) letter No. 14(1)/99-D(AG) dt 30 May 2011 and Adm Instrs issued to the encl vide HQ of MoD (Army) letter No. B/33513/ACP/AG/PS-2(c) dated 13 June 2011.

2. It has been approved by competent authority that MACP should also be granted to TA personnel as applicable to other Defence Forces personnel since Territorial Army is essentially a part of the Army.

3. Hence, Ser No. 12 of Appx 'A' to Adm Instrs issued vide IHQ of MoD (Army) letter No. B/33513/ACP/AG/PS-2(c) dated 13 Jun 2011 may please be deleted and subsequent paras renumbered.

4. This amendment will be applicable with effect from 01 Sep 2008 as applicable for the Regular Army pers.

Sd/-
(Sanjay Singh)
Brig
DDG PS (B)

Copy to :

TA-3, MoD/D (AG), MoD/D (Pay/Services) MoD/D(GS),
MoD/D (Pension) & CGDA
Internet
PS-3, PS-5, MP-3, MP-8 (I of R) & CAB."

Letter dated 08.04.2016

Addl Dte Gen of Territorial Army
General Staff Branch
Integrated HQs of MoD (Army)
'L' Block, Church Road
New Delhi - 110001

81655/GS/TA-3

08 Apr 2016

TA Gp HQs
Southern Comd
Eastern Comd
Western Comd
Central Comd
Northern Comd
Dir DSC, HQ South Western Comd

GRANT OF MACPS TO TA PERSONNEL AS GRANTED BY THE GOVT CONSEQUENT TO VIth CPC

1. Ref this Dte letter No. 81655/GS/TA-3 dt 05 Feb 2016.

2. Para 2 of this Dte letter under ref is hereby amended as follows:

For

2. Pl find enclosed a self explanatory letter from AG's Branch, AG/PS-2 granting MACP to TA personnel having 08 and 16 yrs of embodied service.

Read

2. Pl find enclosed a self explanatory letter from AG's branch, AG/PS-2 granting MACP to TA personnel having requisite embodied service.

3. Rest no change pl.

Sd/-
(Chandrajit Sarkar)
Maj
GSO-1/TA-3
For Addl Dte Gen TA

Copy to :

Records The GARH RIF for info wrt your letter No.
1943/R/154/RA (Prom)/2016 dt 26 Feb 2016

All Records,
All PAO (OR) – PAO (OR) The Rajputana Rifles
All (TA) Units.”

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21. Though the above letter says that MACP is eligible only from 01.09.2008 as applicable for regular army, this has since been made applicable from 01.01.2006 vide MoD letter No. 14(1)/99-D(AG) dated 25.07.2018. The aforesaid letter is reproduced below :

No.14(1)/99-D(AG)

Government of India
Ministry of Defence

New Delhi, the 25th July 2018

To

The Chief of the Army Staff
New Delhi.

Subject: Modified Assured Career Progression Scheme (MACPS) for PBOR of Army.

Sir,

Consequent upon the judgement of Hon'ble Supreme Court dated 08-12-2017, in the matter of Civil Appeal Diary No.3744 of 2016 (UOI Vs Shri Balbir Singh Turn & Anr), I am directed to refer to this Ministry's letter No. 14(1)/99-D(AG) dated 30 May 2011 on the above subject and to state that the President is pleased to make the following amendment in para 5 of the aforesaid letter:

FOR : "The scheme would be operational w.e.f. 01 Sep 2008"

READ : "The scheme would be operational w.e.f. 01 Jan 2006"

2. The other terms and conditions (including eligibility), as mentioned in the MoD letter No. 14(1)/99-D(AG) dated 30 May 2011 would continue to remain the same.

3. This issues with the concurrence of the Ministry of Defence (Finance) vide their Dy. No. 1270/Addl.FA(AN)/JS dated 27-06-2018.

Yours faithfully,

Sd/-

(Balbir Singh)

Under Secretary to the Govt. of India"

22. The details of embodied/disembodied service of the applicant as seen from the records are consolidated below :

EMBODIED SERVICE IN R/O NO. 10135898H RFN SATENDER KUMAR OF 105 INF BN (TA) RAJ RIF

KIND OF SERVICE	FROM	TO	YEARS	DAYS	G/Total	
					Years	Days
RECT TRG	02-03-1997	31-03-1997	-	30	-	30
ATC	01-04-1997	31-05-1997	-	61	-	91
RULE - 33	01-06-1997	28-05-1998	-	362	01	88
ATC	01-11-1998	31-12-1998	-	61	-	149

VTA	01-01-1999	28-02-1999	-	59	-	208
RULE - 33	01-03-1999	20-11-1999	-	265	02	108
VTA	02-02-2000	31-03-2000	-	59	-	167
VTA	01-04-2000	30-04-2000	-	30	-	197
ATC	01-08-2000	30-09-2000	-	61	-	258
RULE - 33	01-10-2000	10-12-2008	08	71	10	329
VTA	01-05-2009	31-05-2009	-	31	-	360
ATC	01-06-2009	31-07-2009	-	61	11	56
VTA	01-08-2009	30-09-2009	-	61	-	117
VTA	01-10-2009	30-11-2009	-	61	-	178
VTA	03-04-2010	31-05-2010	-	59	-	237
VTA	01-06-2010	30-06-2010	-	30	-	267
VTA	01-07-2010	30-09-2010	-	92	-	359
ATC	01-11-2010	31-12-2010	-	61	12	55
RULE - 33	01-01-2011	31-03-2012	01	91	13	146
VTA	01-04-2012	30-04-2012	-	30	-	176
VTA	01-06-2012	31-07-2012	-	61	-	237
VTA	01-12-2012	31-12-2012	-	31	-	268
ATC	01-02-2013	31-03-2013	-	59	-	327
VTA	02-01-2014	31-03-2014	-	89	14	50
	TOTAL	-	-	-	14	50

DISEMBODIED SERVICE IN R/O NO. 10135898H RFN SATENDER KUMAR OF 105 INF BN (TA) RAJ RIF

FROM	TO	Years	Days	G/Total	
				Years	Days
29-05-1998	31-10-1998	-	156	-	156
21-11-1999	01-02-2000	-	73	-	229
01-05-2000	31-07-2000	-	92	-	321
11-12-2008	30-04-2009	-	141	01	96
01-12-2009	02-04-2010	-	123	-	219
01-10-2010	31-10-2010	-	31	-	250
01-05-2012	31-05-2012	-	31	-	281
01-08-2012	30-11-2012	-	122	02	38
01-01-2013	31-01-2013	-	31	-	69
01-04-2013	01-01-2014	-	276	-	345
	TOTAL	-	-	02	345

Total Embodied Service - 14 Yrs & 50 Days
Total Disembodied Service - 02 Yrs & 345 Days
Total Service - 17 Yrs & 30 Days"

23. From the above, it is seen that the deceased soldier completed eight years of embodied service on 24.01.2006. Thus he is entitled to the 1st MACP as on 24.01.2006.

Therefore, he is eligible for the 2nd MACP only on 10.02.2016. However, since he was discharged from service on 31.03.2014, he is not eligible for the 2nd MACP due to shortfall of 680 days of embodied service. Therefore, the deceased soldier is eligible for his 1st MACP and thus his pay be refixed accordingly with all consequential benefits in subsequent years and his last pay drawn be accordingly fixed.

Disability Pension

24. From the records, it is seen that the deceased soldier was first diagnosed for Seizure Disorder in November, 2011 and was placed in temporary low medical category of P2 for a period of six months. His second Re-cat medical board was held on 10.12.2012 which held his medical category as P2 (Permanent) with effect from 04.12.2012. As per the respondents, all his medical papers were forwarded to BHDC for RMB vide letter at Annexure R-6. However, it is seen from the records that the deceased soldier never reported for RMB and thus it is not possible to adjudicate the issue of disability pension in the absence of RMB documents.

CONCLUSION

25. In view of the above considerations, we conclude the following:

(a) The deceased soldier (original applicant) is eligible for full service pension on condonation of the shortfall of 315 days of embodied service.

(b) The deceased soldier is eligible for his 1st MACP on completion of 08 years of embodied service on 24.01.2006.

(c) There is a debit balance of Rs. 2,59,668/- in his final account that is required to be paid by the applicant. Since the original applicant died on 20.06.2018 and his wife, Smt. Veermati, is the legal heir and has been substituted vide order dated 14.02.2019, the amount in debit due to the Govt. be adjusted from the arrears due to the applicant.

(d) In the absence of RMB, the issue of disability pension cannot be adjudicated.

26. We, therefore, allow the OA with the following directions:

- (a) The shortfall of less than one year embodied service be condoned and the deceased soldier be granted service pension from his date of discharge on 31.03.2014.
- (b) The deceased soldier be granted the first MACP on completion of his eight year of embodied service as on 24.01.2006 and his subsequent pay be regulated with the most beneficial option in the pay scale of 6th CPC.
- (c) The debit balance of Rs. 2,59,668/- after due verification be adjusted from the arrear of pension that is to be paid to the applicant.
- (d) Smt. Veermati, the wife of the deceased soldier will accordingly be entitled to ordinary family pension from 20.06.2018, the date of demise of her husband, the original applicant.
- (e) The respondents to issue fresh PPO incorporating all the above and the arrears be paid within three months from the date of receipt of this order, *failing which*, it shall earn interest @ 6% per annum till the date of actual payment.

27. Pending MA(s) stand closed accordingly. There is no order as to costs.

Pronounced in open Court on this 19 ^H day of December, 2023.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN P.M. HARIZ]
MEMBER (A)

/ng/