

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

**O.A. No. 397 of 2015**

**In the matter of :**

**Ex Sep Bal Krishan**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant : Shri V.S. Kadian, Advocate**

**For Respondents : Shri Avdhesh Kumar Singh, Advocate**

**CORAM :**

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

**ORDER**

Invoking the jurisdiction of the Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 (hereinafter referred to as 'AFT Act'), the applicant has filed this OA and the reliefs claimed in Para 8 read as under :

*“(a) Direct respondents to grant service pension to the applicant after counting of his service as per para 9 and condonation of deficiency of service as per para 125 of Pension Regulation for the Army 1961 and GoI MoD letter dated 14.08.2001.*

- (b) Direct respondents to grant disability pension @ 50% after broad banding of 30% as assessed by Medical Board as per Govt of India, Min of Defence letter No 1(2)/97/D(Pen-C) dated 31.01.2001 and law settled by Hon'ble Supreme Court in Civil Appeal No 418/2012 titled UOI & Ors v. Ram Avtar vide judgement dated 10.12.2014, and/or**
- (c) Direct respondents to pay the due arrears of service pension and disability pension with interest @12% p.a. from the date of retirement with all the consequential benefits.**
- (d) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case."**

2. The facts of the case in brief are that the applicant, having been found medically and physically fit, was enrolled in the Indian Army in the Jammu & Kashmir Light Infantry on 26.11.1980. In October, 1981, while serving with 11 JAK LI, the applicant was downgraded to low medical category for the diagnosis 'SCIATICA (RT) SPINBIFIDA SV1 724 (C) v-67'. The applicant was awarded punishments for various offences committed and incurred four red ink entries and two black

ink entries. On having incurred four red ink entries, the applicant was served a Show Cause Notice to show cause as to why his services should not be terminated. In reply thereto, the applicant vide letter dated 17.09.1994 stated that he had nothing to submit in his defence and thereafter his discharge from service was sanctioned by Commander, HQ 10 Inf Bde on 26.09.1994. Accordingly, on 17.11.1994, the applicant was discharged from service being undesirable/inefficient soldier under Army Rules. Before discharge, the applicant was brought before the Release Medical Board (RMB) which conceded the applicant's disability as 'Aggravated by Military Service' and assessed the same @ 30% for two years.

3. The claim for grant of disability pension was forwarded to the PCDA (P) Allahabad but the same was rejected by the PCDA (P) on the ground that the applicant was discharged from service being undesirable/inefficient soldier having incurred for red ink entries during service. On a request made by the applicant, when the disability pension claim was again submitted to the PCDA (P) Allahabad vide letter dated 19.09.1995, the same was returned with certain

objections and disability pension was not sanctioned. After rectifying the observations, the claim was re-submitted to the PCDA (P) Allahabad, but the same was again rejected by them. The applicant made several representations/mercy appeals for grant of pensionary benefits which were duly replied to by the respondents. Regarding one of the representation, the applicant was intimated vide letter dated 05.07.2001 that his case is rejected on the ground that he was discharged from service being undesirable/inefficient soldier. Hence, the present OA.

4. Learned counsel for the applicant submitted that the applicant, at the time of joining the Army, was declared fully fit mentally and physically and no note was made that he was suffering from any disease at that time and, therefore, any disability contracted during service would be presumed to be due to stress and strain of service. Learned counsel contended that he had served for approximately 14 years and the respondents rejected his service pension and also the disability pension on his being discharged being undesirable soldier; that the applicant was awarded three punishments within a period of six months and discharged within one

month from the last punishment which shows that he was deliberately not given a chance to serve for some more months and complete his pensionable service. Learned counsel submitted that the CO acted arbitrarily and unjustifiably in depriving the applicant from the consequential benefits of his 14 years long service.

5. Learned counsel for the applicant submitted that the respondents erred in denying the disability pension to the applicant despite the fact that the RMB had assessed the applicant's disability @ 30% and held the same as 'aggravated by military service'. Learned counsel for the applicant placed reliance on the judgments of the Hon'ble Supreme Court in **Dharamvir Singh Vs. Union of India** [(2013) 7 SCC 316], **Union of India Vs. Rajbir Singh** [(2015) 12 SCC 264] and **Sukhvinder Singh Vs. Union of India** [2014 STPL (web) 468 SC] to submit that the respondents' action in denying the disability pension is unjustified and unlawful, when the disability recorded by the RMB occurred during the military service and got worsened while performing military duties and it was held by the Hon'ble Supreme Court that an Army personnel shall be

presumed to have been in sound physical and mental condition upon entering service except as to physical disability noted or recorded at the time of entrance and in the event of his being discharged from service on medical grounds, any deterioration in his health, which may have taken place, shall be presumed due to service conditions.

6. Learned counsel further relied upon various orders passed by the Tribunal including the order of AFT, RB Kolkata in **Ex Sep Bhaba Prasanna Panda Vs. UOI [O.A. No. 07 of 2012] decided on 04.03.2013**, wherein similarly placed applicant having six red ink entries, was granted disability pension on the basis of the recommendations of the RMB. He further placed reliance on the order of the AFT, RB Guwahati in **Ratna Bahadur Chetry Vs. Union of India [TA No. 19 of 2010] decided on 17.02.2011**, wherein the applicant was dismissed as declared 'deserter' and the Tribunal quashed the dismissal order and pensionary benefits were granted.

7. Learned counsel for the applicant referred to Para 113(b) of the Pension Regulations for the Army, 1961 which provides that an individual who is removed from service

under Army Act under Section 20, may be considered for the grant of pension/gratuity; Para 113(c) for 'an individual who is discharged under the provisions of Army Act and the rules made thereunder remains eligible for pension or gratuity under these Regulations.'; Para 9 which provides that in calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months shall be treated as a completed one half year and reckoned as qualifying service; Para 125 for condonation of the shortfall upto a period of 6 months to make a person eligible for grant of service pension. The period was further extended to 12 months by the GoI MoD letter dated 14.08.2001. Learned counsel referred to many similar cases where condonation of shortfall in qualifying service was granted to grant of the pensionary benefits.

8. *Per contra*, learned counsel for the respondents submitted that the applicant had incurred red ink entries and was issued Show Cause Notice to show cause as to why his services should not be terminated, to which the applicant replied on 17.09.1994 that he had nothing to submit in his defence and awarded punishments. He was discharged from

service being undesirable/inefficient soldier having four red ink entries under Item III(V) of Table Annexed to Army Rule 13(3) with effect from 26.11.1994 and his reckonable service is of about 13 years and 10 months only and has 62 days of non-qualifying service since he had been 'Absent without leave' for these days.

9. It was submitted on behalf of the respondents that in terms of Regulation 132 of the Pension Regulations for the Army 1961 (Part-I), minimum 15 years' qualifying service is mandatory requirement for grant of service pension' and as the applicant had rendered only 13 years and 10 months' qualifying service, he is not entitled to any service pension. Further, he referred to Regulation 125 of the Pension Regulations for the Army to submit that condonation of deficiency in service for eligibility to service/reservist pension or gratuity may be condoned upto six months and in the present case, the applicant's service is deficient for more than one year. In view of these facts and circumstances, the learned counsel prayed for dismissal of the OA.

## CONSIDERATION OF THE CASE

10. Having heard the learned counsel for the parties at length and have perused the record, the following issues are required to be adjudicated :

(a) Whether the deficiency in the qualifying service can be condoned to entitle the applicant for service pension.

(b) Whether the applicant is entitled to disability pension in the facts and circumstances of the case.

### Service Pension

11. The grant of service pension is regulated by Regulation 132 of the Pensions Regulations for the Army, 1981 which stipulates "*the minimum period of qualifying service (without weightage) actually rendered and required for earning service pension shall be 15 years*". The applicant here was enrolled on 26.11.1980 and was discharged under Army Rule 13(3)III(v) in 17.11.1994. During this period, he had earned four (04) 'Red Ink' entries and two (02) 'Black Ink entries' and had 62 days of non-qualifying period of service on account of having been absent or without leave on four occasions.

12. Thus at the time of discharge on 17.11.1994, the applicant had rendered 13 years 11 months and 21 days of qualifying service and, therefore, discarding the non-qualifying period, the applicant had only a total of 13 years, 09 months and 18 days of qualifying service. The argument of the applicant is that relying on the ratio of the Hon'ble Supreme Court judgment dated 20.01.2015 in the case of **UoI & Anr. Vs. Surender Singh Parmar [(2015) 3 SCC 404]**, his qualifying service period of 13 years, 09 months and 18 days be rounded-off to 14 years, and then one year be condoned under the provisions of the existing rules as ordered by the Tribunal in many cases.

13. In our opinion, this judgment is of no help since the actual status is that there are two issues. One is the process of rounding-off the total service to calculate the quantum of pension applicable to each individual. However, a soldier becomes eligible for service pension only if he has a minimum qualifying service of 15 years. Thus, two regulations relevant in this matter are Regulation 132 and Regulation 134 of the Pension Regulations for the Army, 1961 (Part-I) which lays down the minimum qualifying

service required to be eligible for service pension. Regulation 132 is reproduced below :

***“Minimum Qualifying service for pension***

***132. Unless otherwise provided for, the minimum qualifying color service for earning a service pension is 15 years.”***

Condonation of deficiency in service in a rank is governed by Regulation 134 which states :

***“Condonation of deficiency of service in a particular rank.***

***134. A competent authority may condone a deficiency of service in a particular rank not exceeding 3 months, except on voluntary retirement.”***

14. Since then the provisions of condoning deficiency in service for grant of pension is a maximum of one year wherein now six months can be condoned by the competent authority and from 6 to 12 months can be condoned by the Government. This power has since been delegated vide letter No. 4684/Dir(Pen)/2001 dated 14.08.2001. Letter No.4684/Dir(Pen)/2001 dated 14.08.2001 is reproduced below :

***“ No.684/DIR(PEN)/2001  
Government of India  
Ministry of Defence  
Deptt. Of Defence  
New Delhi the 14<sup>th</sup> August, 2001***

**ORDER**

***Sanction is hereby accorded in pursuance of MOD ID No. (3)/2001/D(O&M) dated 3.8.2001 for delegation of ministrative***

*powers with the approval of Raksha Mantri to the Services HQrs. in respect of the subjects indicated below:-*

*(a)(i) Division of family pension between eligible family members.*

*(ii) Initial cases for award of Special Family Pension and ex- gratia for officers with concurrence from PCDA(Pensions), Allahabad or the concerned CDA.*

*(iii) Recovery from pensionary benefits first charge being Public Fund dues thereafter Non-Public Fund dues from the residual benefits.*

*(iv) Payment of dues to NOK of deserters.*

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

*(vi) Time bar sanction for filing appeals for Ordinary Family Pension, Special Family Pension, disability Pension etc. in respect of officers and PBOR beyond 12 months.*

*(vii) Grant of ex-gratia award to Cadets on death/ disability within the Govt approved terms and conditions.*

*(viii) Pensionary award to officers dismissed from Service otherwise than with disgrace/cashiered.*

*(ix) Pensionary award to officers who are discharged, called upon to resign or are retired.*

*(x) Grant of pension to PBOR dismissed from Service.*

*(xi) Grant of Disability Pension to Officers.*

*(xii) First appeal against rejection of Ordinary Family Pension, Special Family Pension, Disability Pension/ex gratia award etc. to officers and PBOR,*

*(xiii) First claim for pension and gratuity submitted after 12 months from due date where Pension Sanctioning Authority is not satisfied with reasons for delay.*

*(xiv) Implementation of judgements delivered by various Courts including those with financial implications where further appeal is not contemplated.*

(xv) *Condonation of delays in conducting release medical board.*

(b) *Approving Authority in the Service HQrs. in respect of the above subjects will be AG/COP/AOP/AOA as the case may be. Any further re-delegation of these powers will require prior approval of Ministry of Defence.*

(c) *Authenticative Authorities for authenticating of orders/documents will be the authorities as specified in Ministry of Home Affairs SO No.2297 dated 3.11.1958 Further, the plaints/written statement in suits in any court of civil jurisdiction or in writ proceedings by /or against the Central Government shall be signed by the authorities indicated in the Ministry of Law's Notification dated 14.2.1990. Any further delegation of powers in this regard will require approval of MHA and Ministry of Law respectively. Proposal for this purpose, if need be, may be initiated by the Service Hqrs and be referred to these Ministries for issue of necessary corrigendum through D(O&M) Section of this Ministry.*

(d) *Concurrence of Integrated Finance shall continue to be obtained wherever required as hitherto for without involving this Ministry*

2. *The relevant Regulation(s) of Pension Regulation for the Army/Navy/Air Force shall stand amended accordingly. Forma amendments to Pension Regulation will, however, be issued in due course of time.*

3. *In case Pensions Regulations and any other Govt orders/instructions are required to be amended, necessary proposals in this regard will be initiated by the Services Hqrs.*

4. *Cases for RM's approval will be submitted wherever required by the Services HQrs after approval of AG/COP/AOP/AOA. Wherever required such cases should be routed through the Pension Branch of this Ministry.*

5. *As regards to composition of First Appellate Committee(FAC) Chairperson of the Committee shall be the AG/COP/AOP in the respective Service HQrs in place of Director/Dy. Secretary incharge Pension Division in the*

*Ministry of Defence. The other members of the Committee shall continue to be the same. The composition of the Second Appellate Committee headed by HM/RRM will remain unchanged. However, the cases shall be submitted for recommendations of the Members of the Committee and approval of HM/RRM direct by the Service HQrs.*

*6. These orders will take effect from the date of issue.*

*7. This issues with the concurrence of Defence(Finance) vide their uo.No. 1539/Add. FA(B) dated 13th August, 2001.*

*Xxx”*

15. The GoI, MoD letter dated 30.10.1987 referred to in the Hon'ble Apex Court judgement dated 20.01.2015 in the case of **Surender Singh Parmar (supra)** pertains to the Government decisions for the implementation of the recommendation of the 4<sup>th</sup> CPC. The note below Para 5 of the said letter at clause 5 reads as follows:

**“5. Qualifying service.—**

**(a) - (b) xxx**

**Notes.— (1) to (4) xxx**

**(5) In calculating the length of qualifying service fraction of a year equal to three months and above but less than six months shall be treated as a completed one half year and reckoned as qualifying service.”**

15. The judgment relying on this clause ordered that the petitioner's service of 13 years 10 months and 13 days can be rounded-off to 14 years, after which the one year's period

can be condoned as permissible under the existing rules. In our opinion, this clause is meant for rounding-off of the qualifying service to ascertain the quantum of pension payable and is not a clause which is meant to condone the deficiency in qualifying service. The GoI, MoD letter dated 30.10.1987 at Para 5 (a) defines 'qualifying service' for PBOR as under:

**"5. Qualifying service**

**(a) The term 'Qualifying Service' (QS) shall mean:**

Category	Qualifying service reckonable for			
	Pension	Death-cum-Retirement Gratuity		Retiring/Service/Invalid/Terminai Gratuity
		Retirement Gratuity	Death gratuity	
<b>Officers</b>	Actual qualifying service rendered by the officer plus a weightage (in yrs) appropriate to the last rank held as indicated in (b) below subject to the total qualifying service including weightage not exceeding 33 yrs.	Actual qualifying service plus a weightage of 5 years subject to the total qualifying service including weightage not exceeding 33 years.	Actual qualifying service rendered plus a weightage of 5 years subject to total qualifying service not exceeding 33 years. In case actual service is less than 5 years, no weightage shall be given	Actual qualifying service rendered.
<b>Personnel below</b>	Actual qualifying service	Same as above	Same as above	Same as above

<b>officer ran (includi ng NCs(E) and Honora- ry Commis sioned Officers</b>	<b>rendered by the individual plus a weightage of 5 years subject to the total qualifying service including weightage not exceeding 33 years.</b>			
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*xxx*

*Notes: (1) – (2) xxx*

*(3) The above weightage shall not be reckoned for determining the minimum qualifying service specified for admissibility of Retiring/Service Pension i.e. 20 years for service officers (15 years for late entrants), 15 years for personnel below officer rank and 20 years for NCs(E).*

*(4) xxx*

*(5) In calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months shall be treated as a completed one half year and reckoned as qualifying service.”*

16. The issue of reckoning of qualifying service period for calculating quantum of pension is also enshrined in the instructions for 5<sup>th</sup> and 6<sup>th</sup> CPC. The relevant paras are extracted below :

**Notes 3 & 5 to Para 5 (b) (1) of the GoI, MoD letter dated 03.02.1998:**

*“(3) The above weightage will not be reckoned for determining the minimum qualifying service specified for admissibility of Service Pension i.e. 20 years for service officers (15 years for late entrants) and 15 years for PBOR and 20 years for NCs(E).*

xxx

xxx

*(5) In calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months will be treated as a completed one half year and reckoned as qualifying service. This will, however, not be applicable for computing minimum qualifying service for pension”*

**Note 4 to Para 5.2 of the GoI, MoD letter dated 12.11.2008:**

*“(5) In calculating the length of qualifying service, fraction of a year equal to three months and above but less than 6 months will be treated as a completed one half year and reckoned as qualifying service., This will, however, not be applicable for computing minimum qualifying service for pension”*

17. It is also relevant that this issue of the applicability of reckoning of qualifying service for calculation of pension and condonation of deficiency of service for grant of pension has landed up before the Large Bench for answering the following questions vide order of the Tribunal dated 15.05.2018 in OA 219/2017 which reads as under:

*“(a) Whether the period of service, which a person has rendered as Artificer in the capacity of being less than 18 years of age, can his service be taken into consideration, and if so, to what effect?*

*(b) Whether the judgment in **Surender Singh Parmar’s** case is in per curiam as it did not consider Note 3 of the relevant Regulations?*

*(c) Whether the Tribunal is competent to grant condonation of deficiency in service so as to make a*

*person eligible for grant of pensionary benefit of qualifying service, if so, within how much time it must be applied ?*

*(d) Whether the benefit of Circular issued on 6th August, 1984 with regard to grant of quantum of pensionary benefits alone is applicable to an official so as to give him the benefit of condonation of deficiency of service by rounding-off a period of a full year or less than that in terms of the Regulations applicable at the relevant time?*

*(e) Whether the Circular, which has been issued on 6th August, 1984 and is specifying that it is prospective in operation inasmuch as the date of implementation of Circular is given, can be made applicable retrospectively, so as to extend the benefit to the applicant who admittedly has retired way back in 1961 ?*

*(f) Does the question of laches and delay would arise in granting the aforesaid benefit of condonation of deficiency of service, and if so, to what effect ?*

*(g) Any other question which may arise during the course of hearing or is raised by any of the parties."*

18. In view of the foregoing, we are of the considered opinion that the applicant is not entitled to service pension since he only has 13 years 09 months and 18 days of qualifying service and the Government Rules only permit condonation up to a maximum of one year of service. In the present case, since the applicant requires condonation of more than one year of service, he is not entitled to grant of service pension. However, since the matter is before a

Larger Bench of the Tribunal, the applicant can seek a review of his case for service pension based on the outcome of the Larger Bench matter.

**Disability Element of Pension**

19. It is not in dispute that the applicant, at the time of discharge, was in low medical category 'BEE (P)' due to diagnosis 'Sciatica (Rt) Spina B1F1 DA SV1 V67 724(C)' and, therefore, he was brought before a duly constituted Release Medical Board (RMB), which assessed the disability of the applicant @ 30% for two years and conceded the same as 'Aggravated by military service'. However, the claim of the applicant for grant of disability pension was rejected by PCDA (P) Allahabad on the ground that the applicant was discharged from service being undesirable/inefficient soldier having incurred four red ink entries during service. Thereafter, the applicant made several requests for the said relief and his claim was re-submitted which was returned with certain observation by the PCDA (P); after rectifying the observations, the claim was again submitted to the PCDA (P) Allahabad and the said claim was finally rejected vide letter dated 08.07.1996 by the competent authority. The said

decision was communicated to the applicant vide letter dated 05.02.1998 and 05.07.2001.

20. Considering the facts and circumstances of the case at hand, we find that the applicant was enrolled in the Indian Army after having been declared fully fit in all respect and thereafter at the time of discharge, he was placed in low medical category. The RMB had also conceded the disability of the applicant i.e. Sciatica as 'Aggravated by military service' and assessed the same at 30% for two years. It is not in dispute that the applicant the applicant was awarded with the first red ink entry on 04.03.1985 for the period of offence of remaining absent without leave from 12.12.1984 to 24.01.1985. From the perusal of the record, we find that in the Recategorisation Medical Board proceedings dated 23.11.1993 (Annexure A-2), there is a summary and opinion attached of Lt Col Kochhar, Classified Specialist (Surg) of BH C/o 56 APO dated 19.11.1983 which indicated that *'the applicant was an old case of Sciatica (Rt) and report for Recat; patient still complains of pain lower back radiating to Rt lower limb pain is aggravated on exposure to cold'*, and after due examination, the opinion was given as under :

**“- In view of persistent symptoms recommended to be placed in Cat BEE (Perm) - Not to do night duties or severe physical exertion.”**

21. The above summary and opinion establishes the fact that the applicant was suffering from the disability of Sciatica (Rt) even before November, 1983 and the offence for which the applicant was awarded red-ink entries started from December, 1984. Further, the disability was held to be aggravated due to stress and strain of military service and the duration of disablement was assessed for two years only @ 30%. Hence, taking a lenient view of the matter, we hold the applicant to be eligible to be granted disability element of pension for two years @ 30% from the date of his discharge for the service rendered by him after having diagnosed with the disability in question.

22. In this regard, we would refer to a judgement rendered by Hon'ble Apex Court in the case of **Union of India Vs. A.K. Bakshi [AIR 1996 SC 1368]**. The constant view of Hon'ble Supreme Court is that the discharge of an individual on earning red ink entries and as a consequence as being undesirable, is not punishment for misconduct or stigma for

the misconduct for which he has already been punished.

Relevant Para 10 of the said judgment reads as follows:-

*“According to the High Court, the provisions of R 18 are attracted in cases where a person is discharged on the basis of the policy for discharge for the reason that the action for discharge has been taken on the basis of six punishments which have been imposed on him. We find it difficult to endorse this view of the high Court. The punishments referred to in the policy for discharge are punishments that have been imposed for misconduct under the relevant provisions. For the Act and the rules. the policy for discharge envisaged that in cases where an airman has been awarded such punishments six times, he is to be treated as a habitual offender and action for his discharge from service should be taken against him under R 15(2)(g)(ii) of the rules. This action for his discharge is not by way of punishment for the misconducts for which he has already been punished. The basic idea underlying the policy for discharge is that recurring nature of punishments for discharge is that recurring nature of punishments for misconduct imposed on an airman renders him unsuitable for retention in the Air Force. Suitably for retention in the Air Force has to be determined on the basis of record of Service. The punishments that have been imposed earlier being part of the record of service have to be taken into consideration for the purpose of deciding whether such person is suitable retention in Air Force. The discharge in such circumstances is, therefore, discharge falling under R 15(2)(g) (ii) and it cannot be held to be termination of service by way of punishment for misconduct falling under R 13 of the rules. We are, therefore, unable to agree with the High Court that termination of services on the basis of the policy for discharge does not constitute*

*under R 15(2)(g)(ii) but amounts to removal for misconduct under R 18 of the rules.”*

23. In the present case, the discharge of the applicant was consequent upon having been awarded four red ink entries and two black ink entries is not by way of punishment for the misconduct for which he was already punished and rather, it was done keeping in view his recurring nature of offence and punishments, which he did not improve and was unlikely to be a good soldier, he was not allowed to continue further in service and discharged.

#### **CONCLUSION**

24. In view of the above, the OA is partly allowed. The respondents are directed to grant the disability element of pension to the applicant @ 30% for two years from the date of his discharge, which is directed to be rounded off to 50% w.e.f. 01.01.1996, in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of ***Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012)*** decided on 10.12.2014.

25. The applicant is, however, not entitled to service pension since he has more than one year of deficiency of

qualifying service for grant of pension. However, since the matter is before a Larger Bench, the applicant is at liberty to seek a review of his case with regard to service pension based on the of the Larger Bench decision.

26. Accordingly, the respondents are directed to calculate, sanction and issue necessary PPO to the applicant within four months from the date of receipt of copy of this order, *failing which*, the applicant shall be entitled to interest @ 6% per annum till the date of payment.

Consequently, miscellaneous applications, if any pending, stand closed. There is no order as to costs.

Pronounced in open Court on this 17<sup>th</sup> day of September, 2024.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

/ng/