A

COURT NO. 3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 163/2018 with MA 113/2018

Ex Hony Nb Sub Dharamvir ... **Applicants**

Versus

Union of India & Ors. .... **Respondents**

For Applicant : Mr. S M Dalal, Advocate
For Respondents : Mr. J.S Yadav, Advocate

CORAM :

HON'BLE MS. JUSTICE NANDITA DUBEY, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R

MA 113/2018

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 245 days in filing the present OA. In view of the judgments of the Hon'ble Hon'ble Supreme Court in the matter of ***Union of India & Ors.*** Vs **Tarsem Singh (2008) 8 SCC 648** and in ***Ex Sep Chain Singh Vs. Union of India & Ors***. (Civil Appeal No.

30073/2017) and the delay of 245 days in filing the OA 163/2018 is thus condoned. The MA is disposed of accordingly.

OA 163/2018

2. The applicant namely, 3176084K Ex Hony Nb Sub Dharamvir who was enrolled in the Indian Army on 30.11.1982 and discharged from service on 30.11.2006 after completion of 24 years of pensionable service was conferred the Honorary rank of Nb Sub w.e.f. 01.01.2007. The applicant has filed the present OA seeking re-fixation of his service pension at par with the pension of a Nb Sub having 24 years of service at the rate of Rs. 7321/- per month w.e.f. 01 Jan 2007 and at the rate of Rs. 9429/- PM w.e.f 01 July 2014, along with payment of arrears w.e.f 01 Jan 2007 along with interest @ 12% per annum on the arrears.

3. The issue regarding the fixation of pension of pre-2006 Hav conferred the rank of Hony Nb Sub, raised in this OA detailed hereinabove has already been decided by the Larger Bench of Armed Forces Tribunal, Principal Bench, New Delhi vide its order dated 20.03.2024 in the lead case of ***Ex Hony Nb Sub Ram Kishan*** vs. ***Union of India & Ors.*** and other connected matters in OA 589/2019.

4. The issue in reference before the Larger Bench, was to the effect:-

> ***"whether an individual who has been conferred the rank of 'Hony Nb Sub' is entitled to the pension of 'Nb Sub' or 'Hony Nb Sub' in terms of the Govt. of India, Min of Def Circular No.1(8)/2008-D(Pen/Pol) dated 12.06.2009":***

5. Vide order dated 20.03.2024, the reference has been answered to the effect:-

> ***"84. Thus, the reference is answered to the effect that:***
>
> ***(a) A pre-2006 retiree Hony Nb Sub is entitled to the pension of a Hony Nb Sub as promulgated vide MoD notification dated 21.02.2020 and implementation instructions issued vide PCDA(P) Circular No.631 dated 05.03.2020.***
>
> ***(b) The individual is not entitled to the pension of a regular Nb Sub as he is only entitled to the pension of a Hony Nb Sub which is calculated***

based on a notional promotion to the rank of a regular Nb Sub at the minimum of the pay band, including the grade pay, MSP and group pay as applicable.

(c) This pension will be reckoned with reference to a notional maximum in the post 01.01.2006 revised pay structure corresponding to the maximum of the previous pay scales as per the fitment table for each rank, determined on the basis of notional maximum for the rank and group across the three Services, as applicable in fixing the pension of all pre-2006 retirees. "

6. The Larger Bench of AFT (PB) New Delhi thus vide its order dated 20.03.2024 in OA 589/2019 held that a pre-2006 retiree Hony Nb Sub is entitled to the pension of a Hony Nb Sub as promulgated vide MoD Notification dated 21.02.2020 and implementation instructions issued vide PCDA (P) Circular No.631 dated 05.03.2020 and that the individual is not entitled to the pension of a regular Nb Sub as he is only entitled to the pension of a Hony Nb Sub which is calculated based on a notional promotion to

the rank of a regular Nb Sub at the minimum of the pay band, including the grade pay, MSP and group pay as applicable.

CONCLUSION

7. Therefore, in view of the answer to the reference as detailed in para 84 of the order dated 20.03.2024 in OA 589/2019 and connected cases of the Armed Forces Tribunal(PB), New Delhi referred to in para 6 hereinabove, we allow the OA 163/2018 with the directions that:

(a) The pension of the applicants be revised in accordance with MoD notification dated 21.02.2020 and implementation instructions issued vide PCDA (P) Circular No.631 dated 05.03.2020.

(b) The respondents are thus directed to calculate, sanction and issue the corrigendum PPO to the applicant within a period of three months from the date of receipt of copy of this order. The amount of arrears however are directed to commence to run from a period of three years prior to the institution of the present OA, in terms of the verdict of the Hon'ble Supreme Court in ***Union of India &***

Ors Vs Tarsem Singh reported in 2008 8 SCC 648 which shall be paid by the respondents, failing which the applicant will be entitled for interest @ 6% p.a. from the date of receipt of copy of the order by the respondents.

8. No order as to costs.

Pronounced in the open Court on the 16th day of September, 2025.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

/Pooja/