

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 449/2018

Ex Hony Nb Sub Munna Lal Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V S Kadian, Advocate
For Respondents : Mr. Arvind Patel, Advocate
Capt Abhishek Kumar, OIC Legal Cell

WITH

OA 2272/2019 with MA 3178/2019

EX Hony Nb Sub Sri Kishan Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate

WITH

OA 1747/2017

Ex Hav (Hony Nb Sub) Pratap Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. J P Sharma, Advocate
For Respondents : Mr. V Pattabhiram, Advocate

WITH

OA 1812/2017

Ex Hony Nb Sub Narayan Singh Bankoti & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V S Kadian, Advocate
For Respondents : Mr. V Pattabhi Ram, Advocate

WITH

OA 1062/2020 with MA 1212/2020 with MA 4013/2023

Smt Santosh Kumari Wd/o
Late Ex Hav (Hony Nb Sub) Ram Saran Das Sharma Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ashok Kumar and
Mr. Sanjeev Kumar, Advocates
For Respondents : Dr. Vijendra Singh Mahndiyan , Advocate

WITH

OA 1349/2021 with MA 1167/2021

Ex HAV (Hony Nb Sub) Ram Shanker Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ashok Kumar &
Mr Pardeep Singh Nandal, Advocates
For Respondents : Mr. Arvind Patel, Advocate

WITH

OA 395/2020 with MA 476/2020

Hony Nb Sub Ram Bilas Ray (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Archana Ramesh, Advocate
For Respondents : Mr. K K Tyagi, Sr. CGSC

WITH

OA 2270/2019 with MA 3176/2019

Smt Babuna Devi W/O Late Hony Nb
Sub Ramashish Ram Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Mr. K K Tyagi, Sr. CGSC

WITH

OA 132/2017

Ex hav (Hony Nb Sub) Rattan Singh Bugalia Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. J P Shaema, Advocate
For Respondents : Mr. Karan Singh Bhati Sr CGSC

WITH

OA 2279/2019 with MA 3185/2019

Smt. Jaikala Devi W/o Late Hony
Nb Sub Raghubansh Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : None

WITH

OA 349/2022 with MA 435/2022

Ex Hav Hony Nb Sub Rishipal Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Virender Singh Kadian, Advocate
For Respondents : Mr. Neeraj Sr CGSC

WITH

OA 914/2020 with MA 1033/2020

Ex Hav (Hony Nb Sub) Dinesh Chandra Dixit Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Ms. Barkha Babbar, Advocate

WITH

OA 2306/2019

Ex Hav (Hony Nb Sub) Vinesh Gurung Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sangeeta Tomar, Advocate
For Respondents : Mr. Karan Singh Bhati, Sr CGSC for R 1-4

WITH

OA 1101/2018

Ex Hav (Hony Nb Sub) Ganga Sagar Dubey Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. JP Sharma, Advocate
For Respondents : Mr. SR Swain, Advocate

WITH

OA 2028/2018 with MA 3055/2019

Ex Nb Sub Mahabir Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Om Prakash Kr Srivastava &

For Respondents : Mr. Rajesh Kumar, Advocates
Mr. S R Swain, Advocate

WITH

OA 1896/2017

Ex Hav (Hony Nb Sub) Vinod Kumar Thapa Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V S Kadian, Advocate
For Respondents : Mr. Anil Kumar Gautam, Sr. CGSC

WITH

OA 1824/2021 with MA 1779/2021 with MA 5310/2023

Ex Hav Hony Nb Sub Budhi Ram Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V S Kadian, Advocate
For Respondents : Ms. Reetesh Agarwal, Advocate

WITH

MA 826/2023 with OA 508/2019

Hony Nb Sub Shri Ram Jat (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Nandita Lal, Proxy for
Mr. S S Pandey, Advocate
For Respondents : None

WITH

OA 1892/2017

Smt Satyavani Wd/o Late
Hav (Hony Nb Sub) Kannam Chiranjeevi Rao Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. V S Kadian, Advocate
For Respondents : Mr. Tarunvir Singh Khehar, Advocate

WITH

OA 1244/2019 with MA 1979/2019 with MA 1802/2023

Ex Hav (Hony Nb Sub) Prem Prakash Sharma Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate

WITH

OA 2274/2019 with MA 3180/2019

Ex Hony Nb Sub Ram Autar Sharma Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : None

WITH

OA 2275/2019 with MA 3181/2019

Ex Hony Nb Sub Vishwamitra Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate

WITH

OA 1058/2020 with MA 1207/2020

Ex HAV (Hony Nb Sub) Karan Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ashok Kumar &
Mr. Sanjeev Kumar, Advocates
For Respondents : Mr. K K Tyagi, Sr. CGSC

WITH

OA 1424/2018

Ex Hav (Hony Nb Sub VS Bhadoria Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. JP Sharma, Advocate
For Respondents : None

WITH

OA 1950/2023 with MA 2809/2023

Ex Hav (Hony Nb Sub) Yeshpal Singh Tomar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Sanjeev Kumar, Advocate
For Respondents : Mr. Rahul Chaudhary, Advocate

WITH

OA 1951/2023 with MA 2810/2023

Ex Hav (Hony Nb/Sub) Surendra Singh Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Mr. Sanjeev Kumar &
Mr. Himanshu Yadav, Advocate
For Respondents : Mr. Mohit Kumar Singh, Advocate

CORAM

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

ORDER

MA 3178/2019, MA 1212/2020, MA 1167/2021,
MA 476/2020, MA 3176/2019, MA 3185/2019,
MA 435/2022, MA 1033/2020, MA 3055/2019,
MA 1779/2021, MA 1979/2019, MA 3180/2019,
MA 1802/2023, MA 3181/2019, MA 1207/2020,
MA 2809/2023 and MA 2810/2023

These are applications filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 by the applicants seeking condonation of delay of filing the respective OAs. In the absence of any opposition from the respondents and in view of the judgments of the 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 filing the OAs are thus condoned, the same are allowed and disposed of.

MA 4013/2023, MA 5310/2023, MA 1802/2023,

2. These applications have filed on behalf of the respondents for condonation of delay in filing counter affidavits in respective OAs. On due consideration, the delay is condoned and the counter affidavits are taken on record. All MAs stand disposed of accordingly.

OA 449/2018, OA 2272/2019, OA 1747/2017, OA 1812/2017, OA 1062/2020, OA 1349/2021, OA 395/2020, OA 2270/2019, OA 132/2017, OA 2279/2019, OA 349/2022, OA 914/2020, OA 2306/2019, OA 1101/2018, OA 2028/2018, OA 1896/2017, OA 1824/2021, MA 826/2023, OA 1892/2017, OA 1244/2019, OA 2274/2019, OA 2275/2019, OA 1058/2020, OA 1424/2018, OA 1950/2023 and OA 1951/2023

3. The issue regarding the fixation of pension of pre-2006 Hav granted rank of Hony Nb Sub, raised in this batch of OAs 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 herein above, therefore, these OAs are also allowed in terms of 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 dispose of the OAs with the directions that:

(a) The pension of the applicants in OA 449/2018, OA 2272/2019, OA 1747/2017, OA 1812/2017, OA 1349/2021, OA 395/2020, OA 132/2017, OA 349/2022, OA 914/2020, OA 2306/2019, OA 1101/2018, OA 2028/2018, OA 1896/2017, OA 1824/2021, MA 826/2023, OA 1244/2019, OA 2274/2019, OA 2275/2019, OA 1058/2020, OA 1424/2018, OA 1950/2023 and OA 1951/2023 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 OAs, wherever applicable, 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 applicants will be entitled

for interest @ 6% p.a. from the date of receipt of copy of the order by the respondents.

(c) The pension in relation to OA 1062/2020 in case of 1142090 Late Hav (Hony NB Sub) Ram Saran Das Sharma, OA 2270/2019 in case of 6284581 Late Hony Nb Sub Ramashish Ram, OA 2279/2019 in case of 7051366 Late Hony Nb Sub Raghubansh Singh and OA 1892/2017 in case of 2569275 Late Hav (Hony Nb Sub) Kannam Chiranjeevi Rao, deceased husbands 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 till the respective date their demise i.e. 10.11.2018, 20.03.2011, 10.12.1998 and 04.09.2008 as per respective OAs.

(d) Furthermore, the family pension of the applicants as mentioned in (c) above be computed accordingly and re-fixed in accordance with (a)&(b) hereinabove, and the corrigendum PPO be issued and the arrears be paid to the applicants within a period of three months from the date of receipt of copy of this order failing which interest @6 %p.a.

to be paid to the applicant on all arrears till the date of actual payment.

8. No order as to costs.
9. Pending MAs, if any, stand disposed of.

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

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)

Pooja