

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

107.

MA 4835/2023 in OA 1022/2021

Hav Sureshwar Prasad Yadav (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. U S Maurya, Advocate
For Respondents : Mr. Y P Singh, Advocate

CORAM

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

O R D E R
28.08.2025

MA No.4835/2023

Seeking enforcement of the Order passed in OA No. 1022/2021, this application has been filed. Applicant held the last rank of Havaldar at the time of retirement. However, as last rank was held by the applicant for more than 10 months in accordance to the policy, pension in the last rank held by the Havaldar was not granted to him.

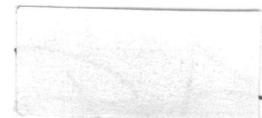
2. Accordingly, he invoked the jurisdiction of this Tribunal by filing OA 1022/2021 and this Tribunal on the very first day without notice to the respondent decided the application and directed that in view of the law laid down by this Tribunal in the case of OA 62/2014 in *Ex-JWO P Gopalakrishnan vs. Union of India and Ors.* decided on 13.05.2015, pay in the last rank of Havaldar should be granted to the applicant from the date of his retirement.

3. Respondents filed the compliance report and produced the PPO indicating grant of benefit to the applicant. The applicant in compliance thereto filed an objection on 13.02.2025 indicating that he did not receive the benefit of Havaldar during the period from 01.05.2008 to 13.12.2015 and on perusal of the PPO we find that in the PPO, the rank of the applicant was shown as Naik. Respondents were directed to explain the position and indicate the correct facts.

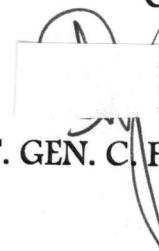
4. Today, the officer from the Record Office of the Bihar Regiment has produced before us the communication sent to the OIC Legal Cell, HQ Delhi Area dated 09.05.2025, wherein it is indicated that the Corrigendum PPO has been issued on 20.09.2024. Inadvertently, the last rank held by the applicant was shown as Naik. It has been corrected. The applicant is shown to be holding the rank of Havaldar on the date of his discharge. The reliefs have been granted to him and the Corrigendum PPO has been issued on 20.09.2024, which has been brought on record by the respondent.

5. In view of the above, we dispose of the matter and grant liberty to the applicant to represent to the respondents, in case he has any grievance still subsisting in matter of grant of benefit to him. If a representation is submitted, the same shall be looked into and a decision be taken within a period of two months and order passed which shall be communicated to the applicant.

Needless to emphasis that if still aggrieved with the decision taken on the representation, the applicant can invoke jurisdiction of this Tribunal under Section 14 of Armed Forces Tribunal Act 2007. This Application stands disposed of.



[JUSTICE RAJENDRA MENON]
CHAIRPERSON



[LT. GEN. C. P. MOHANTY]
MEMBER (A)

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