

ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

11.

OA 520/2025 with MA 834/2025

Petty Officer Ck(S) Madan Lal (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Vivek Bhai Patel, Advocate
For Respondents : Mr. R. S. Chhillar, Advocate
AJA Lakshya Godara, DPA Navy

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
27.02.2025

The applicant vide the present OA makes the following prayers :-

"8.(a) Quash the respondent decision of granting pension to the applicant for the rank of Leading Seamen as shown in the PPO and pension slips of the applicant and direct the respondent to grant pension to the applicant for the last rank held by him i.e. Petty Officer with effect from the next date of his retirement i.e from 01.01.1993.

(b) Direct the respondent to issue fresh Corr PPO, calculate the pension of the applicant based on the Last Rank Held by him before his retirement i.e. Petty Officer CK(S) (PO CK(S) and pay due arrears of his pension as accrued from the next date of his retirement (i.e 01.01.1993) alongwith interest @12% p.a on the arrears thereof.

deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicant and against the respondent.”

2. Notice thereof is issued to the respondents and accepted on their behalf.
3. The applicant submits that he was discharged from Indian Navy on 31.12.1992 and places reliance on his ex-serviceman identity card, copy of which has been placed on record as Annexure A-6 to submit to the effect that he was discharged in the rank of Petty Officer Ck(S) and that despite the same the respondents have been granting him pension in the rank of Leading Seaman as shown in the PPO placed at page 36 as Annexure A-5.
4. It is submitted by the applicant and not refuted on behalf of the respondents that the issue is no more *res-integra* and that the applicant is entitled to the grant of pensionary benefits as per his last rank in view of the orders of this Tribunal in *JWO P Gopalakrishnan vs UOI & Ors.* in OA 62/2014 and also vide the orders of the Hon'ble Supreme Court in *UOI & Ors. vs. Ex JWO Bharat Singh Khatana* Civil Appeal No. 7366-7367/2011 .
5. The submission however, made on behalf of the respondents is to the effect that the grant of the arrears of the last rank pension to the applicant subject to verification be confined to commence to run from a period of three years prior to the institution of the present OA, as instituted on 17.02.2025 in

WP(C) 6815/2024.

6. In view of the settled law, the OA is disposed of with directions to the respondents to grant the pensionary benefits to the applicant in the rank of Petty Officer Ck(S) with effect from the date of discharge subject to verification with the arrears being however confined to commence to run from a period of three years prior to the institution of the OA. The said Corrigendum PPO be issued by the respondents within a period of three months from the date of this order with the payments being made in accordance therewith as directed hereinabove. In the event of failure thereof, the respondents would be liable to make the payment of interest @6% p.a. till the date of payment.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

Yogita