

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

2.

RA 41/2024 with MA 3385/2024 in OA 326/2024

UOI & Ors Applicant

VERSUS

Ex JWO Rajendran K Respondents

For Applicant : Mr. Prabodh Kumar Sr CGSC

For Respondents : Ms. Tanya, Proxy for
Mr. Ajit Kakkar, Advocate

WITH

3.

MA 2463/2024 in OA 326/2024

Ex JWO Rajendran K Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Ms. Tanya, Proxy for
Mr. Ajit Kakkar, Advocate

For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

ORDER
18.03.2025

MA 3385/2024

MA 3385/2024 has been filed by the applicants seeking condonation of 180 days delay in filing the review application RA 41/2024 which in the interest of justice, is allowed and delay condoned.

RA 41/2024

2. Vide RA 41/2024, the applicants thereof that is the Union of India & other respondents arrayed to OA 326/2024 had made the following prayers :-

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“(i) Review application may graciously be allowed and the order dated 07.02.2024 passed in OA No. 326/2024 may be reviewed by this Hon’ble Tribunal in the interest of justice; or

(ii) The matter may be referred to the Larger Bench in view of the contradictory judgments delivered by the coordinate Benches;

(iii) And/or pass such other order or orders that may be deemed fit and proper in the interest of justice.”

3. Vide order dated 07.02.2024 in OA 326/2024 of which order review is sought on behalf of the applicants of RA 41/2024 vide Para 11 and 12 thereof, it was directed to the effect :-

“11. The OA 326/2024 is thus allowed and the respondents are directed as under:- (i) Calculate the pension of the applicant based on the last held rank by him before retirement i.e. Junior Warrant Officer, and in consonance with the principles of calculation that have been upheld in JWO Gopalakrishnan in this regard; and (ii) The applicant will be accordingly issued a fresh Corrigendum PPO in the last rank held by him within two months and the arrears paid accordingly, failing which, it shall carry interest @ 6% till actual payment.

12. No order as to costs.”

4. Vide order dated 02.09.2024 in the present proceedings in RA 41/2024 with MA 3385/2024 vide Paras 3 and 4 thereof, it was directed to the effect :-

“3. Presently till further directions in view of pendency of WP(C) 6815/24 before the Hon’ble High Court of Delhi and the interim order dated

23.07.2024 therein, the grant of the revised pension for a period of three years prior to the institution of OA 326/2024 instituted on 09.01.2024 is stayed.

4. However, the compliance of the directions dated 07.02.2024 in OA 326/2024 be made by the respondents to OA 326/2024 within a period of two months without default.”

5. In view of the factum that WP(C) 6815/2024 has since been decided by the Hon'ble High Court of Delhi vide judgment dated 20.12.2024 with observations in Paras 13 and 14 thereof, to the effect :-

“13. In view of the above, the learned Tribunal has clearly erred in directing the revised pension to be paid to the respondent right from the date of his discharge instead of confining the relief to the period commencing from three years prior to the date of his filing the OA.

14. We, therefore, partially allow this petition and modify the directions given by the learned Tribunal in its Impugned Order, by directing that the revised pension shall be paid by the petitioners to the respondent commencing from three years prior to the filing of the OA before the learned Tribunal and to be continued to be paid in future.”,

in the similar case as in the case of the applicant of the OA herein. Thus, the order dated 07.02.2024 in OA 326/2024 is modified to the extent that the grant of the arrears of the last rank pension held by the applicant in the post of the Junior Warrant Officer be

paid to the applicant by being confined to commence to run from a period of three years prior to the institution of the OA 326/2024, which was instituted on 19.01.2024, which was also so directed vide order dated 02.09.2024 in the present proceedings.

6. RA 41/2024 is disposed of, accordingly.

MA 2463/2024 in OA 326/2024

7. Counsel for the respondents seeks four weeks time for compliance of directions dated 05.08.2024 as well as the compliance of directions dated 07.02.2024 in OA 326/2024 as restricted vide order dated 02.09.2024 in RA 41/2024 and modified vide order of even date in RA 41/2024.

8. MA 2463/2024 be re-notified for hearing on 29.04.2025.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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

Yogita