

3

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

**OA 1621/2016 with MA 1520/2018**

**Ex Hav (Hony Nb Sub) Hukam Chand Sharma ... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

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

**CORAM**

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

**ORDER**

This matter in question was earlier tagged with OA No. 449/2018 alongwith others and it was directed to be listed on 28.08.2025 for further direction and accordingly the same was directed to be de-tagged from OA 449/2018 to be decided on merits separately.

**MA 1520/2018**

2. This is an application filed on behalf of the respondents under Section 340 of Criminal Procedure Code, 1973 read with Sections 191 and 193 of the Indian Penal Code, 1860 further

read with Section 36 of the Armed Forces Tribunal Act, 2008 seeking initiation of criminal proceedings against the applicant for making false statement on oath.

3. The applicants/respondents vide the present MA submit that the applicant Ex Hav(Hony Nb Sub) in OA 1621/2016 had verified and filed the instant OA No.1621/2016 with duly attested affidavit by stating that “ I have not suppressed any material fact” and similarly at Page 12 of the said OA vide Para(c) further stated as “that the matter has not filed previously and not pending in any Court for the same relief and the contents of the said affidavit are true and correct and nothing material has been concealed therefrom(from the OA No.1621/2016) while the facts are that the applicant alongwith 07 others had earlier filed the OA No.2116/2012 titled **Hav (Hony Nb Sub) Dharam Chand & Ors Vs Union of India & Ors.** before the Armed Forces Tribunal (RB), Chandimandir at Chandigarh seeking revision of service pension for the Hony Rank of Nb Sub as per the recommendations of the 6<sup>th</sup> CPC and the said OA was allowed by the AFT(RB) Chandigarh vide order dated 17.08.2012 and as such the said order was complied with

by the respondents by issuing Corrigendum PPO No.S/Corr/2642/2016 dated 15.06.2016 and the applicant was accordingly granted the service pension in the rank of Hony Nb Sub. However, the applicant whilst suppressing this material fact has not disclosed the same in the present OA No.1621/2016. Further, the applicant had again filed OA No.410/2016 before the Armed Forces Tribunal seeking grant of service pension in the rank of Nb Sub wef 01.01.2006. However, the applicant did not press this OA 410/2016 and the same was dismissed as withdrawn vide order dated 19.08.2016 whilst this fact was also ostensibly not disclosed in the present OA. Thus, the applicant had made these false averments and the misrepresentation on the part of the applicant amounts to an offence under the provisions of Section 191 of the IPC punishable under Section 193 of the Indian Penal Code, 1860.

4. The applicant(hereinafter respondent to MA No.1520/2018) vide his MA 755/2019 whilst seeking condonation of delay of 77 days in filing the rejoinder/reply to the MA No.1520/2018 admitted the factum of filing of OA 2116/2012 before the AFT(RB) Chandigarh and the

OA No.410/2016. However, the applicant submits that as per the Corr PPO S/Corr/2642/2016 dated 15.06.2016 issued by the respondents, it is mentioned that "*notional fixation of pay pension for the rank of Nb Sub.*" but the respondents revised his pension at Rs.7750/- wef 01.01.2006 in the rank of Hony Nb Sub and once the respondents PCDA(P) Allahabad has considered the rank of the applicant as Nb Sub which is clearly mentioned in Corr PPO, thus the applicant is entitled for pension in the rank of Nb Sub instead of Hony Nb Sub as per the terms of the MoD Letter dated 12.06.2009 and the PCDA(P) Allahabad Circular No.430 dated 10.03.2010, however, the respondents failed to grant the same. The applicant(hereinafter respondent to MA No.1520/2018) further submits that in terms of his Legal Notice-cum-Representation dated 07.08.2016, he had requested for the revision of his service pension in the rank of Nb Sub at Rs.9382/- w.e.f 01.07.2009 in terms of MoD Letter dated 12.06.2009 and the PCDA(P) Allahabad Circular No.430 dated 10.03.2010, however the respondents EME Records rejected his request and thus the applicant (hereinafter respondent to MA No.1520/2018) was forced to file the present

OA No.1621/2016 seeking revision of his pension in the rank of Nb Sub at Rs.9382/- wef 01.07.2009 and thus the present OA was filed only on the basis of fresh cause of action after receipt of rejection letter from the respondents/EME Records despite the fact that his case is squarely covered by the order dated 27.10.2017 passed by the Hon'ble AFT(RB) Chandigarh in OA No.2755/2013 titled as **Hoshiar Singh Vs Union of India & Ors** as well as the catena of other orders passed by the Armed Forces Tribunal. Be that as it may be, considering the facts of the case, we are of the considered opinion that the matter in question is now to be regulated in terms of the order dated 20.03.2024 of the Larger Bench entitled **Ex Hony Nb Sub Ram Kishan Vs. Union of India and Ors** in OA 589/2019. The MA stands disposed of.

**OA 1621/2016**

5. The applicant Ex Hav (Hony Nb Sub) Hukam Chand Sharma was enrolled in the Indian Army on 21.04.1961 and was discharged from service w.e.f 01.05.1985 after completion of 24 years and 10 days of pensionable service and was granted the Hony. rank of Nb Sub after retirement on the

occasion of Republic Day (26 January 1986) and accordingly he was granted service pension of the Hony Rank of Nb Sub vide Corrigendum PPO No. S/Corr/2642/2016 dated 15.06.2016 wherein it was mentioned "notional fixation of pay pension for the rank of Nb Sub.

6. The issue regarding the fixation of pension of pre-2006 Hav granted 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.

7. 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":***

8. 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. ”***

9. 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**

10. 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 dispose the OA 1621/2016 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, if not already done.

(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, if not already done. 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.

11. No order as to costs.

Pronounced in the open Court on the 13<sup>th</sup> day of November,  
2025.

(JUSTICE NANDITA DUBEY)  
MEMBER (J)

(RASIKA CHAUBE)  
MEMBER (A)

/pooja/