

COURT NO.3
ARMED FORCERS TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.450/2019

Brig ST Rangarajn (Retd)		Applicant
Versus		
Union of India and Ors.		Respondents

For the applicant	: Mr. Balaji Subramanian, Advocate
For the respondents	: Gp Capt Karan Singh Bhati, Sr. CGSC

Dated: 24th September, 2025

CORAM

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

ORDER

By way of the present Original Application the applicant challenges the letter dated 21st August, 2018 issued by the Senior Accounts Officer (P), PCDA, Allahabad, whereby he was denied the benefit of One Rank One Pension (OROP). The impugned communication is reproduced herein below:

Please refer to this office letter of even No. dated 18/07/2018, vide which it was intimated that option once exercised is final in the light of GID 1 below Rule 19 of CCS (P) Rule. It is further intimated that you have rendered 33 yrs. And 9 month service in Army. Thereafter on selection for absorption in civilian capacity as Scientist 'F' in RDO on permanent absorption in the light of GoI

<i>MoD</i>	<i>Letter</i>	<i>No.</i>
<i>DOP/04/48018/M/26075/D(R&D)</i>		<i>dated</i>
<i>18/07/2003. As per sub para 'K' of letter dated 18/07/2003 wherein it is clearly mentioned that officers after absorption in the DRDS will be governed by the DRDS Rules as amended from time to time and other rules as applicable to Defence Civilian employees to the Government. Accordingly, on superannuation at the age of 60 years you have got pensionary benefits from DRDO by taking into account the former Army service with civil service in DRDO and pension was notified from civil side.</i>		

In regard to point 10 of your representation dated nil received through grievance registration DOPPW/E/2018/06467 dated 17/04/2018, it is intimated that as the court order in OA No.2128/2011 was pronounced in an individual case and same has not been generalized by Govt. as such the same is not applicable in your case.

The applicant further seeks to allow him to receive his military pension with full benefits along with arrears from the date of his retirement from the Indian Army.

2. The facts, as stated, are that the applicant was commissioned in the Corps of Engineers on 20th December, 1970. The applicant, after completing over 33 years of service in the Indian Army, was due to retire on 31st December, 2004 holding the rank of Brigadier. After exercising his willingness for permanent absorption in the DRDS cadre under the DRDS Rules, 1979 the applicant was

permanently absorbed in the civilian capacity as Scientist 'F' in the pay scale of Rs.16,400-450-20,000 with effect from 1st October, 2004, i.e., three months prior to his retirement from Armed Force Services. His appointment however, was subject to the following conditions:

- (a) *Pay fixation on absorption would be as per existing rules.*
- (b) *He would be governed by the DRDS Rules and other rules applicable to Defence civilian employees.*
- (c) *Liability to serve anywhere in India.*
- (d) *Past service as Brigadier would count towards residency for promotion, subject to earning two confidential reports post-absorption.*

He was later promoted to Scientist 'G' grade and retired from DRDO at the age of 60 years on 31st December, 2008, after rendering four years and three months of service with the DRDO.

3. Under Rule 12 of the DRDS Rules, retirement benefits are governed by the CCS (Pension) Rules, 1972. Rule 19 dealing with re-employed defence personnel applicable in the cases of persons like the applicant herein, grants an option to the Military Officers either to (i) continue to draw the military pension or retain gratuity received on discharge from military service, in which case his former military

services shall not count as qualifying service, or (ii) to cease to draw his pension and count previous military service as qualifying service. Applicant gave his option (ii) i.e. to cease to draw his pension and count previous military service as qualifying service.

4. In terms of MoD letter dated 18th July, 2003, absorbed officers were to be governed by DRDS Rules and other Rules applicable to Defence Civilian Employees. Accordingly, on superannuation, the applicant was sanctioned civil pension, taking into account his Army service along with DRDO service. Subsequently, the applicant has requested grant of One Rank One Pension (OROP) contending that having served for 33 years and 9 months as a commissioned officer, he is entitled to military pension and corresponding OROP benefits. His representations requesting for pension at par with other Brigadiers was rejected by respondent No.5 vide letter dated 21st August, 2018 (received on 15th September, 2018), hence this OA filed under Section 14 of the Armed Forces Tribunal Act, 2007.

5. Even though no counter affidavit has been filed but the respondents have raised a preliminary objection with regard to jurisdiction of this Tribunal to entertain the instant OA.

6. Learned counsel for the applicant, however, submitted that since the controlling Ministry both for DRDO and Army is Ministry of Defence and the said Ministry can take decision even with respect to the benefits arising out of service conditions of the DRDO, therefore, this Tribunal has jurisdiction to try this OA.

7. Submission of learned counsel for the respondents is that under similar circumstances this Tribunal in the case of Maj Gen Akali etc. Vs. Union of India and Ors. (TA 125/2010) vide its judgment dated 9th April, 2010 held *‘that the matter arising out of and in cases governed by the Defence Research & Development Organisation (DRDO) Rules, framed by the Office Memorandum dated 23.11.1979, the Tribunal cannot decide the issues relating to the selection of the officers in the DRDO as it is not a dispute falling under the definition of service matters, as defined under Section 3 (o) of the AFT Act, 2007.’*

8. It is further submitted that the AFT, Regional Bench, Chandigarh, overruling the objection taken by Union of India with regard to jurisdiction of this Tribunal to entertain the OA 582/2010 filed by one Col. G.S. Grewal allowed the OA. The judgment passed by the AFT, Regional Bench, Chandigarh was assailed by Union of India before the Hon'ble Supreme Court. While allowing Civil Appeal No.3879/2013 of Union of India, the Hon'ble Supreme Court passed the following order:

“As a result, this appeal is allowed. The impugned order passed by the Tribunal is set aside. The matter is remitted to the Tribunal for deciding the OA by a larger Bench by having proper perspective in mind, as discussed in this judgment. Both the sides shall have right to file further documents they want to rely upon.”

9. In view of the directions of the Hon'ble Supreme Court in the case of *Col G.S. Grewal* (supra), a Larger Bench was constituted and the following issues were framed for its consideration:

- “1. Whether Army Personnel who have been permanently seconded to Defence Research & Development Organisation (Hereinafter referred to as “DRDO”) or to the Director General Quality Assurance (DGQA) continued to be subject to Army Act, 1950 even after his permanent secondment?*
- 2. Whether the subject matter in the OAs filed by the petitioners are the service matters as*

defined in Section 3(o) of the Armed Forces Tribunal Act, 2007?”

10. While deciding the issues aforementioned, the Larger Bench of this Tribunal in the case of *Lt Gen (R) S.S. Dahiya* Vs. *Union of India and Ors.* (OA 483/2013 etc) decided on 24th July, 2015 held as under:

“38. After our thoughtful consideration, we are of the view that Pay & Allowances to permanently seconded DRDO personnel have been made at par with officers of their respective rank in the Army by virtue of adoption of the Pay & Allowances under the petitioner’s service conditions under Office Memorandum dated 23.11.1989. As per Para 12 of the Office memorandum dated 23.11.1979 the Pay & Allowances may also be different. But incidentally no different Pay & Allowances have been specified for the Officers of the DRDO till petitioner’s retirement or may be even thereafter. Relevant is clear from Para 12 of the Office Memorandum dated 23.11.1979, which is as under :-

“Unless, otherwise, specified the officers get allowances and other benefits of their respective service”

Therefore, the petitioner is not getting the Pay & Allowances because he is entitled to Pay & Allowances under the Army Act, or Rules framed there under or in view of the DSR or any order passed for Regular Service Officers. Because of the application of dual service conditions a number of benefits under the Army Act or liability may continue to apply upon the permanently seconded officers. The pay and allowances may be exactly same as of regular Army Officer but that is virtue of provision made in DRDO service conditions specifically it is due to para 12 (supra). Therefore, the retiral benefits including the disability pension etc., if they are allowed, at par or even under the Army Act, but they are given to the permanently seconded officer of DRDO because of the adoption of the above rules by the DRDO. Here, the Pay & Allowances have been adopted by the Office Memorandum prescribing the service conditions of

the permanently seconded DRDO officers and, therefore, for this benefit the decision can be taken administratively through the Director General Research & Development (DGR&D) in view of the Para 12 of the Office Memorandum dated 23.11.1979. therefore, such issue is arising under the DRDO service condition Memorandum issued by the order of the Government and not applicable to Army personnel in regular Army.

39. We do not find any force in the submission of learned counsel for the petitioner of OA 483/2013 that since the controlling Ministry for DRDO and the Army is the Ministry of Defence and every file ultimately moves to the Ministry of Defence and said Ministry alone can take decision even with respect to the benefits arising out of the service conditions of the DRDO, therefore, the petitioner's dispute can be decided by the Armed Forces Tribunal.

40. In view of the above discussions, it is held that the subject matter of the OA 483/2013 and OA 40-44 of 2015 are not falling within the definition of the service matters as defined in Section 3(o) of the AFT Act, 2007 and the Question No. 2 is answered accordingly.

41. Since tribunal has no jurisdiction to entertain these OAs, therefore, these OAs are dismissed for want of jurisdiction. At the cost of the petitioner, we are making it clear that none of the observations be taken as decision or observation against the petitioners on merit of their cases."

11. Heard learned counsel on both sides and have also perused the orders passed by the Hon'ble Supreme Court in the case of *Col G.S. Grewal* (supra) and also of the Larger Bench of this Tribunal in *Lt Gen (R) S.S. Dahiya* (supra).

12. In the instant case, as narrated hereinabove, the applicant was permanently absorbed in DRDO, he is, therefore, squarely covered by the decision of the Larger

Bench in the case *Lt Gen (R) S.S. Dahiya* (supra) and is governed by the service conditions of DRDO.

13. In view of the above, we do not have any doubt in our mind that in the matters arising out of or governed by the DRDO Rules, this Tribunal cannot decide the issues relating to service matters of the officers of DRDO as it is not falling under the definition of service matters as defined under Section 3(o) of the Armed Forces Tribunal Act, 2007. Consequently the OA is dismissed for want of jurisdiction.

Pronounced in open Court on this 24th day of September, 2025.

[JUSTICE NANDITA DUBEY]
MEMBER (J)

[RASIKA CHAUBE]
MEMBER (A)

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