

COURT No.3  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA 543/2018

Cdr. E.P. Pradeep (Retd)

...Applicant

VERSUS

Union of India and Ors.

....Respondents

For Applicant

:

Mr. Sidharth Arora, Advocate

For Respondents

:

Mr. Prabodh Kumar, Sr. CGSC with

Lt. Lakshya Godara, AJA, Navy

CORAM

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

HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14, the applicant who is a pre mature retiree from Indian Navy has filed the instant application seeking the following reliefs :

*“(a) Direct the Respondents to the amount due and payable to the Applicant under the head of Service Pension which had become admissible when he was permitted to retire as per the Statutory Navy Services Regulation- 18/1964.*

*(b)Direct the respondents to comply with the provisions of Regulation 18 of Navy Pensions Regulations- 1964 to be read with Regulation 22 and Regulation 23 of the said act providing for pro-rata decrease in service pension depending on the deficiency in the service years.*

*(c) Direct the respondents to form a committee and frame a policy for regularization of the payable service pensions to the officers.*

*(d) Any other order that may be deemed fit and appropriate in the circumstances of the case may be passed.”*

#### BRIEF FACTS

2. The applicant is a pre mature retiree from Indian Navy who was enrolled on 25.11.1988 and retired from service on 01.06.2005 vide IHQ MoD (N) Letter No. RS/7935/PR/05 dated 08.02.2005.

3. According to the applicant he is entitled to the service pension in view of the Regulation 18, 21, 22 and 23 of Navy Pension Regulations 1964.

4. It is urged that Regulation 18 permits an officer who has taken premature retirement to be granted a service pension. Further, Regulation 23 provides that where an officer has rendered service for a period less than that specified in Regulation 22 for his rank, the amount of the service pension payable to him shall be the rate prescribed for that rank, reduced by one reduction at the rates specified in the table provided therein.

5. It is stated that, reading Regulation 18 in conjunction with Regulation 23, the pension of the applicant is required to be calculated on a pro-rata basis, based on the actual number of years of service rendered by him.

6. *Per contra*, the stand of respondent is that the minimum period of qualifying service required for grant of service pension in the case of an officer is 20 years. Referring to the Regulation 22, it is submitted that the minimum qualifying service for the rank of Commander is 24 years. It is further pointed out that the applicant opted for voluntary retirement on

08.02.2005 after rendering approximately 16 years of service. Therefore, he is not entitled to the grant of a service pension.

### ANALYSIS

7. We have heard the learned counsel for the parties and have perused the documents placed on record.

8. The issue arising in the present case is squarely covered by the Order passed in the case of *Lt. Cdr. (Retd.) Dilip Bhatnagar v. Union of India* in O.A. No. 773/2018 and other connected matters, decided by a coordinate Bench of this Tribunal. In the said decision, after considering Regulations 18 to 23 of the Navy Pension Regulations, 1964, which are reproduced as under:

*"18. Admissibility.- An officer who is permitted to retire from service may be granted service pension in accordance with these regulations.*

*19. Minimum Service.- The minimum period of service qualifying for pension shall be fifteen years in the case of late entrants and twenty years in other cases.*

*20. Service qualifying for pension.- The periods of service of officers in the general list and in the branch list which qualify for pension under these regulations shall be as specified in Appendix III.*

*21. Rank for assessment of Pension.- (1) The service pension admissible to an officer shall be assessed on the basis of the rank actually held continuously whether in a substantive or paid acting capacity during the last Ten Months before retirement. Provided that an officer who has held the substantive rank of Admiral should have held that rank at least for one year.*

*(2) Where an officer has held a rank for less than the period specified in sub-regulation (1), the person shall be assessed on the next lower rank held for 10 months.*

22. Rates of Pension.- An officer who at the time of retirement has held a substantive rank specified in Column 1 of the Table below and who has rendered qualifying service for a period not less than that specified in the corresponding entry in column 2 of that Table may be granted service pension at the rate specified in the corresponding entry in column 3 of the said Table: Provided that the service pension of an officer who at the time of retirement held the substantive rank of Lieutenant Commander may, if the conditions specified in Appendix IV are fulfilled, be assessed on the paid acting rank held by him at the time of retirement.

TABLE

Rank	Period of Service	Rate of pension
1	2	3
(a) General List Officers	Years	Rs. Per Mensem
Lieutenant	20	425
Lieutenant Commander	22	550
Commander	24	675
Captain (Less than 5 years in rank)	26	750
Captain (5 years or more in rank)	28	825
Rear Admiral	30	875
Vice Admiral	30	900
Admiral	30	1000
(b) Branch List Officers		
Commissioned Officer	23	190

23. *Deficiency in Service.* Where an officer has rendered service for a period less than that specified in Regulation 22 for his rank, the amount of service pension payable to him shall be the rate prescribed for that rank reduced by one deduction at the rates specified below for each year or part thereof of the deficiency in service :-

<i>Service Pension</i>	<i>Rate of deduction</i>
<i>Rs. Per Mensem</i>	<i>Rs. Per mensem</i>
<i>1000 to 751</i>	<i>30</i>
<i>750 to 601</i>	<i>20</i>
<i>600 to 401</i>	<i>15</i>
<i>400 to 301</i>	<i>10</i>
<i>300 to 201</i>	<i>5</i>
<i>200 and below</i>	<i>2.50</i>

the coordinate bench has dismissed those applications.

9. In the instant case, Regulation 18 of the Navy Pension Regulations permits an individual/officer who has taken premature retirement to be granted a service pension, provided he has completed the minimum period of qualifying service i.e., 15 years in the case of a late entrant and 20 years in other cases. The rank for assessment of pension has been specified under Regulation 21, which provides that the service pension admissible to an officer shall be assessed on the basis of the rank actually held continuously, whether in a substantive or acting capacity, during the last 10 months preceding retirement.

10. Further, Regulation 22 provides that an individual/ officer who, at the time of retirement, has held a substantive rank specified in Column 1 of the table therein and has rendered qualifying service for a period not less than that specified in the corresponding entry in Column 2 of the said table, may be granted a service pension at the rate specified in the corresponding entry in Column 3 of that table as enumerated therein.

11. However, where an officer has rendered service for a period less than that specified in Regulation 22 for his rank but has completed the minimum period of qualifying service, the amount of service pension payable to him shall be the rate prescribed for that rank, reduced by one reduction at the rates specified below for each year, or part thereof, of the deficiency in service, as per the table prescribed under Regulation 23.

12. On a conjoint reading of Regulations 18 to 23, it is clear that an individual or officer who has taken premature retirement is also entitled to the grant of service pension, subject to his having completed the minimum period of qualifying service. Further, a retired officer holding a substantive rank specified in Column 1 of the table in Regulation 22 must have rendered qualifying service for a period not less than that mentioned in the corresponding entry in Column 2 of the said table.

13. Regulation 23 grants the benefit of accounting for the deficiency in service, such that an officer who has rendered service for a period less than that specified in Column 2 of Regulation 22 shall receive the rate of pension in accordance with the table provided in Regulation 23. However, this benefit is also subject to the minimum qualifying service requirement of 20 years. It is to

be noted that Regulation 23 cannot be read in isolation. Further, it does not refer to a deficiency in service "less than the minimum qualifying service," but rather states that the deficiency arises when the service rendered is less than that specified in Regulation 22 for the concerned rank.

14. In the instant case, the applicant had served for about 16 years only before seeking premature retirement. As per Column 2 of Regulation 22, for the rank of Commander, the prescribed qualifying service for grant of a service pension is 24 years. Even if Regulation 23 were to be applied to the applicant's case, he would not be entitled to service pension, as he does not meet the minimum qualifying service requirement of 20 years as prescribed in Regulation 19.

15. Had the applicant completed the minimum qualifying service of 20 years, he could have been granted the benefit under Regulation 23 and thereby become eligible for the pension as per the table provided therein.

16. In view of the foregoing, the applicant is not entitled to the grant of service pension.

17. With respect to the prayer mentioned in Clause (c), seeking directions to the Government of India for formulating a policy in this regard, it is observed that this Tribunal does not have the jurisdiction to frame, amend, or direct the Government to formulate policies or regulations in matters such as the present case.

18. Consequently, the OA 543/2018 fails and is accordingly dismissed.

19. No order as to costs.

20. Pending miscellaneous application(s), if any, stands disposed of.

Pronounced in the open Court on 14th day of November, 2025.

(JUSTICE NANDITA DUBEY)  
MEMBER (J)

  
(RASIKA CHAUBE)  
MEMBER (A)