

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 702/2019

Hony Capt Madan Mohan Yadav (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. K.K. Tyagi, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

- “(a) To quash the impugned order dated 27.12.2018.*
- “(b) To grant pension of rank of Honorary Captain to the applicant from the date of grant of honorary rank of Capt.*
- “(c) To convert Honorary Captain unpaid rank into paid rank.*
- “(d) Alternatively, to grant the rank of Hony. Lieutenant w-e-f 26.01.2018 and the rank of Hony. Captain w-e-f 15.08.2018 to the applicant.*
- “(e) To direct the respondents to place on record all policies pertaining to the present subject matter of pay and pension of persons holding Hony. Ranks.”*

2. By the impugned order dated 27.12.2018, the claim of the applicant for grant of Hony Commission from 26.01.2018 in

the rank of Hony Capt has been rejected and, therefore, the applicant seeks the benefits as detailed hereinabove.

3. According to the applicant, he was enrolled in the Indian Army on 30.12.1988. He had a glorious career throughout his service and was a Boxing and Wrestling player at Command Level and had earned various trophies in these activities. On 13.12.2016, he was granted two years extension of service but he was discharged from service w.e.f. 31.12.2017. He had challenged this discharge vide OA No.1837/2017 and the same was decided on 18.12.2017 and certain directions were given with regard to permitting him to complete his remaining service till 31.12.2018 (Annexure A-2).

4. The applicant claims that he maintained an outstanding career graph but due to bias and mala fide actions of the respondents more particularly after he was granted relief by this Tribunal in the earlier round of litigation, his career growth was temporarily halted. Even though, the applicant was due for Hony Commission in the rank of Hony Lt on 26.01.2018, however, it was conferred upon him after a delay of eight months on 15.08.2018 and, thereafter, consequently, the rank of Hony Capt (unpaid) was also given to him after his retirement w.e.f. 01.01.2019 without any monetary benefit.

5. It is the grievance of the applicant that even though he had good service record and both IO and RO in the ACR for the period 2016-2017 had recommended him for promotion, however, he was not granted the rank of the higher post. The applicant makes a grievance with regard to the respondents delaying grant of the ranks to him and consequently, depriving him of the monetary benefits in both the cases particularly in the rank of Hony Capt which was granted after retirement. Placing reliance on the following judgements, learned counsel for the applicant tried to indicate that the action of the respondents is mala fide and he is entitled for the relief.

(i) Hoshiar Singh Vs. Union of India (OA No.2755/2013), AFT (RB), Chandigarh.

(ii) Union of India and Another Vs. SPS Vains (Retd.) and Others [(2008) 9 SCC 125]

(iii) KJS Buttar Vs. Union of India and Another [(2011) 11 SCC 429]

(iv) D S Nakara Vs. Union of India (1983 AIR 130)

6. Respondents have refuted the aforesaid and filed a detailed counter affidavit. It is the case of the respondents in the counter affidavit that the case of the applicant for grant of Hony rank has been considered as per his entitlement and he was promoted to various ranks as detailed hereinunder:

Sl. No.	Appointment/ Promotion	Paid Acting	Substantive
a.	Lance Naik	01 Apr 1996	~
b.	Naik	15 May 1998	15 May 1998
c.	Havildar	09 Jan 2002	15 Dec 2001
d.	Naib Subedar	20 Feb 2009	01 Dec 2008
e.	Subedar	07 Jun 2013	07 Jun 2013
f.	Honorary Lieutenant	15 Aug 2018	15 Aug 2018

7. It is, further, the case of the respondents that the applicant was granted two years extension of service w.e.f. 30.12.2016 to 29.12.2018. However, as he was downgraded to Low Medical Category S1H1A1P3 (Temporary-24) E1 on account of Obesity w.e.f. 07.07.2017, he became ineligible to continue in service due to drop in criteria for extension of service in terms of Integrated HQ, MoD (Army) letter dated 20.09.2010. Accordingly, he was discharged from service w.e.f. 31.12.2017 vide order passed on 22.07.2017. Respondents admitted the challenge of this action of discharge before this Tribunal in OA No.1837/2017 and accordingly, as directed by this Tribunal, the discharge order was set aside and the applicant was permitted to complete his residual terms of extended service up to 31.12.2018. Respondents further contended that this Tribunal in its order passed had directed the applicant to reduce

his body weight so that he can attain the medically acceptable weight within six months from the date of order of this Tribunal. Accordingly, six months period was given to the applicant and he was permitted to continue in service. While in service, his case was processed for grant of Hony Commission on the occasion of Republic Day-2018. As he was upgraded to medical category SHAPE-1 and after reviewing his claim on the occasion of Independence Day-2018, he was awarded the rank of Hony Lt. w.e.f. 15.08.2018. However, his case was transferred to the pension establishment on 01.01.2019 as his two years extension of service as laid down under Para 163 of the Pension Regulations for the Army, 1987 had come into force. As per the policy applicable, all Subedar Majors and Subedars are considered for grant of Hony Commission only while in active list in the last year of their colour service for two chances subject to meeting the criteria for award and accordingly, the applicant's case was considered for Hony Commission and he was granted the same in the rank of Lt as his case was considered for the same during the Republic Day-2018 and again for Independence Day-2018 before his superannuation on 31.12.2018.

8. It is the case of the respondents that the applicant has been considered for grant of Hony Commission while in

service in the rank of Lt and as he was granted the rank of Hony Capt after his retirement, no monetary benefit can be granted to him.

9. While hearing the matter on 07.01.2025, we directed the respondents to file an additional affidavit and to explain as to on what basis a personnel granted Hony Commission while in active service is granted certain monetary benefit, however, when it is granted after retirement, no monetary benefits are granted. During the hearing that took place on 07.01.2025 and 14.02.2025, an officer, namely, Capt Sunil Kumar Biswal, Staff Officer, Arty Records appeared before us and explained the position and, therefore, on 07.03.2025, we directed the respondents to file an additional affidavit so also relevant documents in respect to the provisions of Para 179 of the DSR, this has been done and thereafter, the matter has been heard in detail by us.

10. A perusal of the additional affidavit filed by the respondents goes to show that the rank of Hony Lt was granted to the applicant while he was in active service and, therefore, along with the said rank, all monetary benefits had been granted whereas with reference to the grant of rank of Hony Capt, it was granted to him after retirement. In the additional affidavit, the respondents have compared the cases of grant of Hony rank and

the difference in the pay scale when the said rank is granted while in active service so also the effect of Hony rank granted after retirement, the effect of Para 179 of the DSR and the details of the personnel who have been granted the Hony rank along with the applicant. A comparative table has been filed along with the additional affidavit dated 11.03.2025 and the same reads as under:

COMPARISON Hony COMMISSION ON ACTIVE SERVICE & HONY RANK AFTER RETIREMENT

1. Honorary Lt (Active Service)

(a) Authority. CW-2/AG's Br, IHQ of MoD (Army) letter No B/43435/Policy /AG/ CW-2 dated 16 May 2008 and Para 177 to 178 of DSR.

(b) Selection/Vacancy. Hony Lt 15 for every 1000 JCOS

(c) Pay Scale. As per 7 CPC, if a JCO has granted Hony Lt, his basic pay will be hiked @ 56100/- as basic pay + Rs 15000/- as MSP = Total Rs 71100/-.

(If a JCO is already drawing band pay more than Rs 56100/-, he will be granted one increment on grant of Hony Lt)

(d) Details of grant of Honorary Lt (Active Service) during last two occasions i.e. Independence Day 2024 & Republic Day 2025 in r/o Regt of Arty is as under-

Ser No	Rank	Case fwd to IHQ of MoD (Army), CW-2	Awarded	Percentage	Remarks
Independence Day 2024					
(i)	Hony Lt	1266	158	12.48%	
Republic Day 2025					
(ii)	Hony Lt	1206	157	13.2%	

2. Honorary Capt (Active Service).

(a) Authority. CW-2/ AG's Br, IHQ of MoD (Army) letter No B/43435/Policy/AG/CW-2 dated 16 May 2008 and Para 177 to 178 of DSR

(b) Selection/Vacancy. Hony Capt : 01 for every four Hony Lts.

(c) Pay Scale. As per 7th CPC, if a JCO has granted Hony Capt his basic pay will be hiked @ Rs 61300/- as basic pay Rs 15000/- as MSP Total Rs 76300/-

(If a Hony Lt is drawing band pay more than Rs 63100/-, he will be granted one increment on grant of Hony Capt).

(d) Details of grant of Honorary Capt (Active Service) during last two occasions i.e. Independence Day 2024 & Republic Day 2025 in r/o Regt of Arty is as under

Ser No	Rank	Case fwd to IHQ of MoD (Army), CW-2	Awarded	Percentage	Remarks
Independence Day 2024					
(i)	Hony Capt	41	41	100%	
Republic Day 2025					
(ii)	Hony Capt	39	39	100%	

3. Difference of pay :-

Changes in Pay Scale on grant of Hony Lt to a Sub			Changes in Pay Scale on grant of Hony Capt to a Hony Lt			Changes in Pay Scale/ Pension on grant of Hony rank of Lt/Capt after retirement
Sub	Hony Lt	Difference	Hony Lt	Hony Capt	Difference	No changes in pay & pension. As pension is calculated based on last emolument drawn by the indl.
Basic Pay 47600/- + MSP 5200/- Total= 52800/-	Basic Pay 56100/- + MSP 15500/- Total= 71600/-	Rs 18800 /-	Basic Pay 56100/- + MSP 15500/- Total= 71600/-	Basic Pay 61300/- + MSP 15500/- Total= 76800/-	Rs 5200/ -	

7. That so far as concerned of granting Hony rank after retirement this governed by the Para 179 DSR this is as under:

Honorary Ranks after Retirement

(a) Authority. Para 179 of DSR.

(b) Honorary Ranks are granted to Naiks as Honorary Havildar:

Havildars as Honorary Naib Subedar; Havildars as Honorary Naib Subedar: Naib Subedar as Honorary Subedar, Subedars as Honorary Subedar Major, Subedar Major as Honorary Lt and Hony Lt as Honorary Capt.

(c) It is being granted as a matter of honour as per his service profile meeting certain criteria viz. Discipline, Medical Category, ACRs, etc.

(d) There is no provision/policy exists to grant any monetary benefits to personnel awarded honorary rank i.e., no pay & pension is affected.

(e) There is no specific vacancy. The details of personnel meeting criteria are fwd to CW-2, IHQ of MoD (Army) for award during Independence Day & Republic Day. Almost all personnel whose list fwd are being granted the honorary rank except for some category.

(f) Details of grant of Honorary Ranks during last two occasions ie. Independence Day 2024 & Republic Day 2025 in r/o Regt of Arty is as under :-

i. Independence Day 2024.

Ser No	Rank	Case fwd to IHQ of MoD (Army), CW-2	Awarded	Percentage	Remarks
HONY RANK (AFTER RETIREMENT)					
(aa)	Hony Rk of Capt	121	121	100%	
(ab)	Hony Rk of Lt	42	42	100%	
(ac)	Hony Rk of Sub Maj	524	524	100%	
(ad)	Hony Rk of Sub	125	125	100%	
(ae)	Hony Rk of Nb Sub	865	473	54.68%	
		1677	1285		

(ii) Republic Day 2025.

Ser No	Rank	Case fwd to IHQ of MoD (Army), CW-2	Awarded	Percentage	Remarks
HONY RANK (AFTER RETIREMENT)					
(aa)	Hony Rk of Capt	119	119	100%	
(ab)	Hony Rk of Lt	18	18	100%	
(ac)	Hony Rk of Sub Maj	451	451	100%	
(ad)	Hony Rk of Sub	91	91	100%	
(ae)	Hony Rk of Nb Sub	536	495	92%	
		1215	1174		

11. From the aforesaid it is clear that in the backdrop of the provisions of various communications and the rules applicable, Para 179 of the DSR clearly indicates the provisions for grant of ranks, the purpose for which they are granted and it is also clear that when it is granted after retirement, it is a matter of honour and there is nothing brought to our notice based on which we can indicate that even after retirement when the rank is granted, monetary benefits are conferred as per Para 179 of the DSR which reads as under:

“179. Honorary Ranks on Retirement.—(a) A step of honorary rank on retirement with the title of honorary Risaldar Major, Subedar Major, Risaldar, or Subedar may be bestowed on JCOs who are recommended by the Chief of the Army Staff, as specially deserving of the honour.

(b) In very exceptional cases JCOs who have served with special distinction, and who have attained the rank of Risaldar Major or Subedar Major or have held the appointment of ADC to the President, a Governor or the Chief of the Army Staff, or GOC-in-C command, on who have been awarded the PVC/VC/MVC or Vrc/MC may be granted the honorary rank of Captain or Lieutenant on retirement, if recommended for the honour.”

The applicant has not brought to our notice any provision based on which it can be indicated that there exists any provision for grant of monetary benefit to personnel who are awarded Hony rank after retirement. The details given in the additional affidavit in this regard clearly concludes the issue.

12. Having bestowed our anxious consideration on various provisions that have been brought to our notice and the materials that have come on record, we do not have any iota of doubt that in the matter of granting Hony ranks to defence personnel, monetary and financial benefits are conferred only in such cases where the benefit is granted while in active service as it is an upgradation of the rank while in active service and, therefore, the pay and financial benefit attached to the rank to which upgradation is granted is provided. However, when the said upgradation is granted after retirement, the assumption is that the defence personnel has completed his service tenure and retired in the substantial rank held at the time of retirement and the honour conferred upon him while granting Hony rank is based on the criteria as discussed hereinabove and as pension is calculated based on the last pay drawn while in active service, there is nothing which deviates from this position in as much as even if Hony rank is granted to an individual after retirement, he does not receive any pay or benefit. The last pay drawn remains the same and there being no change in the pay scale and the last pay drawn being the one which was available to him on the date of superannuation, he does not earn any monetary benefit and, therefore, merely because he is granted Hony rank after his superannuation, it is only an honour

conferred upon him without any monetary benefit and when there is no monetary benefit conferred upon him, there is no question of granting him any financial upgradation or benefit after retirement. Accordingly, from the additional affidavit and the documents brought on record, we find that in the matter of grant of Hony rank after retirement, no monetary benefit is payable to the applicant and in denying him the said benefit, the respondents have not committed any error warranting re-consideration.

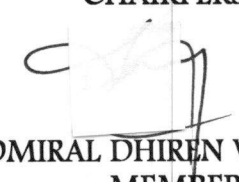
13. In view of the aforesaid, finding no case for interference into the matter, the OA stands dismissed.

14. No order as to costs.

15. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 3rd day of September, 2025.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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