

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

26.

OA 95/2025

Air Cmde Atul Kumar (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Y Venugopal, Advocate
For Respondents : Mr. Anil Kumar Gautam, Sr CGSC with
Mr. R S Chhillar, Advocate
Sgt. Pankaj Sharma, DAV, Legal

CORAM

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

ORDER
03.02.2025

On behalf of the respondents has been submitted a document dated 23.05.2023 indicating to the effect that the applicant was given the substantial rank of Air Cmde with effect from 01.08.2022 with it having been submitted that the only reason for the non issuance of the PPO is the lack of the gazette notification yet to be issued for the same.

2. On behalf of the applicant reliance is placed on the order dated 21.08.2023 in RA 31/2023 to contend to the effect that the non issuance of the gazette notification *per se* does not obviate the grant of the prayer made by the applicant seeking his last rank pension.

3. In view of the admitted facts brought forth through the document dated 23.05.2023, that has been submitted on behalf of the respondents, in view of the settled law in terms of the

verdict of *JWO P. Gopalakrishnan vs. Union of India and Ors.* OA 62/2014 decided on 13.02.2015 in OA 1763/2021, the applicant is undoubtedly entitled to the grant of his prayer of the pension being required to be paid to him according to last rank in the rank of Air Cmde with effect from 01.08.2022. which pension is to be paid to the applicant w.e.f the date of his retirement i.e 29.02.2024 the date of superannuation as mentioned at para-2(j) of the certificate of service submitted on behalf of the respondents. The Corrigendum PPO be issued by the respondents within a period of three months from the date of this order and the arrears be paid to the applicant within the said period of time, failing which, the applicant would be entitled to be paid interest @ 6% per annum till the date of payment.

3. The OA stands disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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(MS. RASIKA CHAUBE)
MEMBER (A)