

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

9.

OA 1014/2025 WITH MA 5486/2025

(640485-H) Ex JWO Shashi Kant Pandey

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant

:

Mr. Manoj Kumar Gupta, Advocate

For Respondents

:

Mr. Sarvan Kumar, Advocate with

Mr. Mukesh Kumar Pandey,

Advocate

CORAM

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

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

ORDER

18.02.2026

MA 5486/2025

This is an application filed under Section 12(5) of the Armed Forces Tribunal Procedure Rules seeking condonation of delay of 60 days in filing the counter affidavit. In view of the reasons mentioned in the MA, the delay of 60 days in filing the counter affidavit is condoned. The counter affidavit is taken on record. The MA stands disposed of.

OA 1014/2025

2. The applicant 640485-H Ex JWO Shashi Kant Pandey vide the present OA makes the following prayers:

*“ A. To direct the respondent to restore/revise pension of the Applicant as per his last Rank of JWO which is in interruption post migration of pension to PCDA(P)/ SPARSH wef 01 Jul 2019; AND/OR and /or re-fix his pension Rs.27,875/-(Basic) wef 01 Jul 2019 as per OROP-II(X Group JWO of 20 years of service);*

*B. To direct the respondent to revise the applicant's pension as per the last rank of JWO, the last rank held by him before retirement, and in consonance with the principle of calculation that has been upheld in the case of JWO Gopalakrishnan (supra) in this regard; and/or*

*C. Direct the respondent to issue fresh Corr. PPO for the restructured and revised pension in the rank of JWO wef date of discharge on 31 May 2005 with arrears of pension with 10% interest; and/or pass any other just and equitable order in the interest of justice may kindly be passed.”*

3. The applicant was enrolled in the Indian Air Force on 10<sup>th</sup> May, 1985 and was discharged from service on 31<sup>st</sup> May, 2005 after rendering 20 years and 22 days of qualifying service. The applicant was promoted to the rank of Junior Warrant Officer (JWO) on 01.03.2005 and held this rank for 03 months. The applicant submits that as per Policy decision dated 09.02.2001 and 11.11.2008, the pension of all the retired Armed Forces Personnel has been revised on the basis of the rank/group last held by the individual and the requirement of 10 months service in the last rank held for all the officers and personnel below of the officer rank is waived off.

4. The applicant further submits that with the implementation of the recommendations of the 5<sup>th</sup> CPC, the condition for holding last rank for 10 months has been waived off and even if a person holds a rank for 01 day, he was entitled for pension of last rank held. Furthermore, the MoD letter No.17(4)/2008(1)/D(Pen/Pol) dated 11.11.2008 expressly states that Rank means rank last held and not the rank for which pensioned. It is submitted by the applicant that he is entitled for the fixation of his pension in the rank of JWO as per Govt of India Letter No.PC10(1)/2008-D(Pen/Pol) dated 08.03.2010. The applicant submits that he had approached the respondents by submitting an online grievances/representations dated 15.10.2024 and on 02.01.2025 to the Pension and Pension Welfare Department of the Ministry concerned with a request to revise his pension on the basis of last rank of JWO and in response to which the respondents i.e. the Air Force Record Office Subroto Park, New Delhi vide letter No.RO/2801/640485/05/05/P&W(SP) dated 12<sup>th</sup> December, 2005 directed the Manager, State Bank of India(Varanasi Branch) with a copy to the applicant which is to the effect that”

*“FORWARDING OF CORRIGENDUM PPO EX 640485-JWO  
SHASHI KANT PANDEY*

*Sir,*

- 1. Please refer to our original PPO No.08/14/B/11597/2005 dated 12-May-05.*
- 2. Enclosed please find the Corr PPO No.08/14/B/Corr/25164/2005 Dated 08-DEC-05 in original for revision of pension/ revised rate of DCRG element of the*

*pension in respect of the abovenamed pensioner for your necessary action and onward submission to your Branch Manager, LAHURABIR for disbursement of revised pension immediately.*

*3. Branch Manager of your bank may please be advised to credit the amount of arrears of pension/DCRG element into the account of aforesaid pensioner.*

*4. In case the pensioner has transferred his PDO, this Corr PPO may please be forwarded to his new PDO under intimation to this office with full PDO details for your future compliance.*

thus the applicant submits that despite this, the respondents have not revised his pension on the basis of last rank of Junior Warrant Officer(JWO) held by him for 03 months and other remedial measures with regard to the date of birth of his spouse not mentioned in the PPO despite all the relevant documents sent to the respondents.

5. The applicant places reliance on the order dated 03.02.2015 in OA No.62/2014 in case of *JWO P Gopalakrishna Vs Union of India & Ors.* and a catena of other orders of the Armed Forces Tribunal.

6. The respondents vide their counter affidavit dated 17.11.2025 submits to the effect that as per the records, 640485 Ex JWO Shashi Kant Pandey after completion of 22 years and 22 days of qualifying service was sanctioned service pension @ Rs.3694/- per month wef 01.06.2005 in the rank of Sergeant(Sgt) vide PPO No.08/14/B/11597/05 whereas his last rank of JWO was notified vide PPO NO.08/14/B/Corr/25164/05 as per the RCSR, the applicant was promoted to the rank of JWO wef 01.03.2005 and

retained this rank till discharge for a period of three months whereas the minimum period to earn service pension in the last rank is 10 months, hence the applicant was granted the service pension in the rank of Sgt which is in order. The respondents further submit that as per the PCDA(P) Allahabad Circular No.568, the applicant is entitled for revision of his service pension in the last rank held and since the data of the pensioner has been migrated to SPARSH vide SPARSH PPO No.601200502909, therefore any correction in the rank or revision of pension rates will be done by the PCDA(P), Prayagraj. It is further the case of the respondents that the revised basic pay of the applicant was revised from Rs.5700/- to Rs.5910/- and the rank last held from "SGT" to "JWO" but the rank for pension remained as SGT as the applicant was promoted to the rank of JWO wef 01.03.2005 and retained this rank only for three months whereas in order to get the pension in the regular rank of JWO, the applicant has to complete at least 10 months service in the said rank i.e. JWO. The respondents submit that upon migration of pension data of the applicant, a corrigendum PPO No.601200502909 has been issued by the PCDA(P), Prayagraj whereby the service pension as mentioned in ibid PPO has been correctly fixed and now only Rank Last Held column of SPARSH PPO needs to be corrected as "JWO" instead of "SGT".

7. Be that as it may be, it cannot be overlooked that the verdict dated 29.01.2010 of the Armed Forces Tribunal (PB) in TA 339/2010(WP(Civil) No.567/2002 of Delhi High Court) *Ex JWO Bharat Singh Khatana Vs Union of India & Ors.* whereby it was observed to the effect that:

*“According to the provisions of the Armed Forces Rules, the incumbent has to serve at least 10 months on the last rank for full pension of that post but he was not given the pension of the last rank held by him i.e. JWO. Hence, petitioner aggrieved by this filed the present petition before the Hon’ble Delhi High Court which has been transferred to this Tribunal after formation of Armed Forces Tribunal and prayed that his pension may be given on the basis of last rank held by him. In this connection, petitioner has referred to a Notification dated 09.02.2001 whereby the Government of India, Ministry of Defence has issued a Circular implementing the Government decision on the recommendations of Fifth Pay Commission relating to pensionary benefits in respect of commissioned officers and personnel below officers ranks and in that it has been clarified that all Armed Forces pensioners irrespective of their date of retirement shall not get less than 50% of the minimum revised scale on pay introduced w.e.f. 01.01.1996. Since this was not being given by the PCDA, Allahabad and that matter came before the Government and the Government had clarified as under:*

*“It is clarified that pension of all pre-96 retiree Armed forces Personnel will be revised on the basis of the rank/group last held by the individual and the revised pay scales connected thereto, even if the rank/group was held for less than 10 months before retirement. Such pension will be reduced proportionately if the qualifying service is less than 33 years. Other conditions to earn pension will continue to apply.”*

*In view of this clarification, we do not find any reason as to why petitioner should not be given pension of the last rank held by him for a period of 06 months. Therefore, condition of 10 months has now been waived by the government. Consequently, we direct that petitioner’s pension should be determined in the*

*light of the aforesaid Circular and he may be given the pension @ 50% of the last post held by him as JWO. His pension should be worked out and arrears shall be paid to the petition with 12% interest. This whole exercise should be done within three months from today. Petition is according allowed. No order as to costs.”-*

has been upheld vide order dated 08.03.2016 of the Hon'ble Supreme Court in *Union of India & Ors. vs Ex JWO Bharat Singh Khatana* Civil Appeal no. 7366-7367/2011.

8. The judgments relied on behalf of the applicant make it apparent that pension cannot be declined to an individual for the rank he last held and rendered his services as laid down in *Thiagrajan vs Uoi & Ors* in OA 93/2014 by the AFT (RB) Chennai. The said statutory right already earned by the applicant cannot be reduced even if an undertaking is executed by him for the receipt of any lower pension in a lower rank from that what he last held. Vide a catena of cases of this Tribunal it has been laid down that the Defence personnel are entitled to the benefits of the last rank held by them even if it has been of a duration of less than 10 months.

9. Thus, the respondents are required to implement the calculation of pension of the applicant in the rank of JWO as he is similarly placed as the applicant in the case of *JWO P Gopalakrishnan vs Uoi & Ors.* in OA 62/2014 decided

on 13.02.2015, by the AFT(RB), Chennai and OA 1038/2017 in the matter of *Ex-JWO Krishna Moorthy K & Ors. Vs UoI & Ors.*

10. Inter alia, the Hon'ble Supreme Court in *Uttaranchal Forest Rangers' Assn. (Direct Recruit) v. State of U.P.*, (2006) 10 SCC 346 has adverted to its verdict in *State of Karnataka and Ors Vs C.Lalitha* (2006) 2 SCC 747 wherein it has been observed that service jurisprudence evolved by the Hon'ble Supreme Court postulates that all the persons similarly situated should be treated similarly.

11. The OA 1014/2025 is thus allowed subject to verification of facts averred in the OA .

12. The respondents are thus directed as under:-

(i) Calculate the pension of the applicant based on the last held rank by him before retirement i.e. JWO, and in consonance with the principles of calculation that have been upheld in *JWO Gopalakrishnan* in this regard; and

(ii) The applicant will be accordingly issued a fresh Corrigendum PPO in the last rank held by him, if not already issued, within two months and the arrears be paid accordingly in terms of para 11(i) hereinabove *failing which*, it shall carry interest @ 6% till actual payment.

(iii) However, in view of the order dated 20.12.2024 of the Hon'ble High Court of Delhi in Writ Petition (C) 6815/2024, the grant of arrears of the last rank pension due to the applicant shall be confined to commence to run from the period of three

years prior to the institution of the present OA instituted on 20.03.2025.

13. No order as to costs.

(JUSTICE NANDITA DUBEY)  
/ MEMBER (J)

(RASIKA CHAUBE)  
/ MEMBER (A)

RB