

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

OA 2246/2022

WITH

MA 3017/2022

Hav Ram Chander (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr. Gupta, Advocate
For Respondents : Mr. Govind Narayan, Advocate for RR 1-4

Dated: 6th April, 2026

CORAM
HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER

MA 3017/2022

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay in filing the present OA. In view of the judgment of the Hon'ble Supreme Court in the matter of Union of India and Ors. Vs. Tarsem Singh [(2008) 8 SCC 648] and the reasons mentioned in the application, the delay in filing the OA is condoned.

2. The MA is disposed of accordingly.

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3. Aggrieved of the incorrect fixation of pension during migration to 4th CPC and subsequent transition to 5th, 6th

and 7th CPC, the applicant has approached this Tribunal by way of this OA filed under Section 14 of the Armed Forces Tribunal Act 2007, for redressal of his grievances. The prayers made in para 8 read as under:

“(a) To pass order for the rectification of the pay and allowances of the applicant by fixing his pay @ Rs.34,900/- As per Table of Circular No.608 and MoD letter Dt 17 Oct 2018 alongwith applicable grade pay of Rs.5400/- with the classification pay of Rs.480/- pm, as applicable, if any, with effect from the date of its applicability; and/or.

(b) Pass order to the respondents directing step up Basic Pay to the applicant, after rectification of the anomalies of the wrong fixation of the pay and allowances during 4th CPC with Basic Pay @ Rs. 1280/-per month instead of Rs. 1230/- per month and thereafter upon migration/transaction to 6th as well as 7th CPC by extending ; and/or.

(c) Pass order to pay arrears with the interest @ 10%, and /or Pass any further order in favour of the applicant, as you deem fit and proper, in the interest of justice.”

4. Before we proceed to decide the issue raised in this OA, we may note that on 29th July, 2024, during the course of hearing learned counsel for the applicant produced before us a copy of the PPO and submitted that benefits as prayed for in prayer clause (b),i.e., ‘*anomalies of the wrong fixation of the pay and allowances during 4th CPC with Basic Pay @ Rs. 1280/-per month instead of Rs. 1230/- per month and thereafter upon migration/transaction to 5th as well as 6th CPC*’ of the OA have been granted to the applicant and, therefore, this prayer has been rendered infructuous hence the reliefs claimed in this OA be now

restricted to prayer 8 (a), i.e., *fixing his pay @ Rs.34,900/- As per Table of Circular No.608 and MoD letter Dt 17 Oct 2018 alongwith applicable grade pay of Rs.5400/- with the classification pay of Rs.480/- pm, as applicable, if any* only.

5. The applicant seeks rectification of his pay and allowances by fixing his pay notionally at Rs.34,900/- per month in terms of Circular No. 608 and MoD letter dated 17th October, 2018 along with admissible grade pay of Rs.5,200/- and classification pay of Rs.480/-.

6. The applicant contends in the e-PPO dated 7th July, 2020, his notional pay in the 7th CPC Pay Matrix was wrongly reflected as Rs.29,200/- (minimum of Level-5 corresponding to Rs.5200-20200), which has not been corrected despite his representation dated 23rd March, 2022 (Annexure A5). It is submitted that as per MoD letter dated 17th October, 2018 (PCDA Circular No.608), pensioners who retired during the 4th CPC with a basic pay of Rs.1,280/- (Group 'B' Havildar, 7th CPC Group 'Y') were entitled to notional pay of Rs.34,900/- in the 7th CPC matrix.

7. The learned counsel also stated that it is well settled that pension is a property right and cannot be curtailed except in accordance with law. It is, therefore, prayed that the OA be allowed.

8. The respondents have filed a short affidavit wherein they denied the contentions of the applicant and stated that the reliefs sought by the applicant already stand granted vide PCDA (P), Prayagraj Corrigendum PPO dated 21st August, 2023, therefore, claim of the applicant for fixation of his pension and notional pay of Rs.34,900/- with Grade Pay Rs.5,200/- and Classification Pay Rs.480/- needs no further consideration. Learned counsel further submitted that the applicant's notional pay has been correctly worked out as shown hereunder:

Stage	Amount
Pay in 4 th CPC	Rs.1,280/- pm
Pay in 5 th CPC	Rs.4,110/- pm
Pay in 6 th CPC	Rs.7,820 + GP 2,800 = Rs.10,620/- pm
Pay in 7 th CPC (notional)	Rs.29,200/- pm

The above fixation, as contended, is exactly in consonance with the fitment tables and MoD letter No.608 dated 17th October, 2018 relied upon by the applicant himself and the applicant's demand of notional pay @ Rs.34, 900/- as on 1st January, 2016 meant for those who had a basic pay of Rs.13,200/- to 13,570/- at Column 12 of the table under examination. Applicant's basic pay + GP I Col 12 of the said table was Rs. 10, 620/- which was less than Rs. 11,360/- hence his pay on 1st January, 2016 is rightly shown as Rs. 29,200/-.

ANALYSIS

9. Having heard the learned counsel for the parties and upon consideration of pleadings and documents, it is amply clear that prayer (b) has been withdrawn by the applicant and that there is not dispute that the applicant who retired on 31st March, 1987 was granted the amended notional pay of Rs.1280/- p.m. in the 4th CPC regime and the same was further correctly migrated in the 5th and 6th CPCs. It is also confirmed that as per the 6th CPC the notional pay plus grade pay of the applicant was Rs.10,620/- and thereafter while migrating to the 7th CPC, as per table 33A of circular No.608 MoD letter dated 17th October, 2018 and Table 33A, his basic pay was notionally fixed at Rs.29,200/-. However, as per the prayer made by the applicant, his notional pay, while migrating to the 7th CPC, i.e., on 1st January, 2016 should have been Rs.34,900/- .

10. Keeping in mind the above facts and the prayer made by the applicant there are two issues which present themselves for our consideration; (1) whether the applicant, who is a 1987 retiree, is entitled to the notional pay fixation of Rs.34,900/- with Grade Pay of Rs.5,200/- and Classification Pay of Rs.480/- as per table 33A of the circular No.608 MoD letter dated 17th October, 2018 w.e.f. 1st January, 2016 for the purpose of further working out his revised pension from the same date

w.e.f. 1st January, 2016 and (2) whether the applicant is currently getting the correct and most beneficial pension or he has been placed at a disadvantage by getting notional pay for Rs. 29, 200/- instead of Rs. 34, 900/- w.e.f. 1st January, 2016.

11. Before we proceed to examine table 33(A) of Circular No. 608, issued by the PCDA(P) Allahabad, it is important to place on record the explanation tendered by the respondents with regard to the manner in which pension revision has taken place post 7th CPC implementation. For pension to be revised as per 7th CPC on 1st January, 2016, there are two ways of arriving at the revised pension which is due to the applicant; (1) The pay of the pensioner is notionally arrived at for each pay commission (in his case 4th, 5th, 6th, and 7th CPC) and thereafter 50% of the same is granted to him as his pension (2) The existing pension of the pensioner on 31st December, 2015, i.e., one day prior to implementation of the 7th CPC is taken into account and the same is multiplied by the fitment factor which is worked out by the pay commission which in the case of 7th CPC was 2.57 and his revised pension is arrived at. Thereafter the pension so arrived by the 2nd method which is more beneficial to the pensioner is given to him w.e.f. 1st January, 2016.

12. It can be seen from the record produced by the respondents that as per the first methodology the notional pay of the pensioner

as on 1st January, 2016 (as per 7th CPC) worked out to be Rs.29, 200/- (the correctness of the same will be examined subsequently) plus MSP/grade pay of Rs. 5200 which comes to Rs. 34, 400/- based on which his pension would have worked out to be Rs. 17,200/- w.e.f. 1st January, 2016; as per the second methodology the pension of the applicant post-implementation of OROP 1 was Rs. 7, 808/-per month on 31st December, 2015, hence as per table No. 07 of PCDA(P) Circular No. 555 dated 4th February, 2016 the revised pension which is arrived at by multiplying the old pension as on 31st December, 2015 with the fitment factor of 2.57 comes to Rs. 20, 667/- per month. Since the pension arrived at by the second formula is more beneficial to him, i.e., Rs. 20, 667/- instead of Rs. 17, 200/- hence it is stated by the respondents that the pension of the applicant on 1st January, 2016 was fixed at Rs. 20, 667/-.

13. We will now examine the issue whether the applicant is entitled to a higher notional basic pay of Rs. 34, 900/- instead of Rs. 29, 200/- as on 1st January, 2016 as per table 33A circular No. 608 of MoD letter dated 17th October, 2018 and whether the pension which is worked out thereafter would be beneficial to the applicant. For this purpose Table 33(A) of the Circular *ibid* is reproduced below:-

Rank	Havildar	Group from 1.1.86				B	Group from 10.10.97		Y	Group from 01.01.06				Y		
Row No.	Basic pay from 01.01.1986 to 31.12.1995.	Basic pay(class wise) relevant to col.1 from 01.01.1996 to 09.10.1997				Choose the Basic Pay equal to that at col. 2 to 5	Basic pay from 10.10.1997 to 31.12.2005 relevant to col.6		Basic pay from 01.01.2006 to 31.12.2015 relevant to col.8				Locate the pay range corresponding to the Basic pay at col. 10 or 12		Notional basic pay relevant to the range as on 01.01.2016	
		class-4	class-3	class-2	class-1		Blank	B to Y	Blank		Y		Range Min	Range Max	Matrix Pay	
											Band Pay	BP+ GP				
	1130-25-1380-30-1530	3600-85-4875						3600-100-5100						5200-20200+ GP 2800		Level-5
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
1	1130	3600	3600	3600	3685	3600		3600			6840	9640	≤11360	11360	29200	
2	1155	3600	3600	3685	3770	3685		3700			7050	9850	11370	11710	30100	
3	1180	3685	3685	3770	3770	3770		3800			7270	10070	11720	12060	31000	
4	1205	3770	3770	3855	3855	3855		3900			7490	10290	12070	12410	31900	
5	1230	3770	3855	3940	3940	3940		4000			7490	10290	12420	12800	32900	
6	1255	3855	3940	3940	4025	4025		4100			7630	10430	12810	13190	33900	
7	1280	3940	4025	4025	4110	4110		4200			7820	10620	13200	13570	34900	
8	1305	4025	4110	4110	4195	4195		4200			7820	10620	13580	13960	35900	
9	1330	4110	4195	4195	4280	4280		4300			8000	10800	13970	14390	37000	
10	1355	4195	4195	4280	4365	4365		4400			8190	10990	14400	14820	38100	
11	1380	4280	4280	4365	4365	4450		4500			8370	11170	14830	15250	39200	
12	1410	4365	4365	4450	4535	4535		4600			8560	11360	15260	15720	40400	
13	1440	4450	4450	4535	4620	4620		4700			8750	11550	15730	16180	41600	
14	1470	4535	4535	4620	4705	4705		4800			8930	11730	16190	16650	42800	
15	1500	4620	4705	4705	4790	4790		4800			8930	11730	16660	17150	44100	
16	1530	4705	4790	4790	4875	4875		4900			9120	11920	17160	17660	45400	
17								5000			9300	12100	17670	18210	46800	
18								5100			9490	12290	18220	18750	48200	
19													18760	19290	49600	
20													19300	19880	51100	
21													19890	20460	52600	
22													20470	21080	54200	
23													21090	21710	55800	
24													21720	22370	57500	
25													22380	23000	59200	

14. In the table above column 12, 13, 14 and 15 are relevant. Column 12 indicates the notional pay as on 31st December, 2015. Column 13-14 indicate the range of notional pay as on 31st December, 2015 while Column 15 indicates the notional pay which will be fixed on 1st January, 2016 post 7th CPC. In case of the applicant, his notional pay was Rs. 10, 620/- (cell at intersection of row 7 and Column 12). In Column 13-14 it is indicated that notional pay which is less than Rs. 11, 360/- (cell at the intersection of row 1 Column 13) then as per Column 15 the notional pay as on 1st January, 2016 would be Rs. 29, 200/-. Since the notional pay of the applicant was Rs. 10, 620/- on 31st December, 2015 which is less than Rs. 11, 360/-, hence his notional pay on 1st January, 2016 has been correctly granted to him. Therefore, the claim for fixation of notional pay at Rs. 34, 900/- is legally untenable since the same is meant for those whose notional pay on 31st December, 2015 was in the range of Rs. 13, 200/- to Rs. 13, 570/- (as per Column.13-14 and row 7).

15. Even if it is assumed that the applicant's claim for notional pay of Rs. 34, 900/- on 1st January, 2016 is justified despite his basic pay on 31st December, 2015 being Rs. 10, 620/- and should be as per the cell which is at the intersection of Row 7 and Column 15 and after adding the MSP/grade pay of Rs. 5200/- his

total pay as on 1st January, 2016 becomes Rs. 40,100/- even then his pension will work out to Rs. 20,050/- w.e.f 1st January, 2016 which is still lower than Rs. 20, 667/- which he is being paid to him as per table 7 of PCDA circular No. 555 dated 4th February, 2016 w.e.f. 1st January, 2016. Since in the case of the applicant the pension arrived as per the 2nd methodology as per PCDA Circular No. 555 dated 4th February, 2016 is more beneficial to him and has already been granted to him, hence, there is no case left for the individual to pursue we are of view that the applicant's pension has been lawfully and correctly fixed and no case for any interference is made out. Accordingly, the OA stands dismissed. Parties to bear their own costs.

Pronounced in open Court on this ^W 6 day of April, 2026.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

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