

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

OA 2049/2017

Maj. V Kamakshi (Retd) Applicant
VERSUS Respondents
Union of India & Ors

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Karan Singh Bhati, Advocate

Dated: 04 February, 2026

CORAM

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

ORDER

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Aggrieved by the respondents' action of denying the rank and promotion to Lt. Col., the applicant has filed the present Original Application under Section 14 of the Armed Forces Tribunal Act, 2007, seeking the following reliefs:

- a. *To call for the relevant records based on which the Respondents have rejected the case of the Applicant from considering her genuine claim of giving her the promotional benefits under Government Of India Letter dated 14.01.2000 alternatively she is also entitled to the benefits of rounding off of service years as per Para 10 of Circular No. 555 dated 04.02.2016 and thereafter quash all such orders passed including order dated 11.01.2017.*
- b. *To direct the respondents to grant the rank of Lt Col as per GOI Letter dated 14.01.2000 and all consequential benefits from 01.01.2000 as she retired on 31.12.1999.*
- c. *To direct the respondents to grant pensionary benefits as per entitlement of Lt Col from 01.01.2000.*

d. Issue such other order/direction as may be deemed appropriate in the facts and circumstances of the case.

2. The brief facts of the case are that the applicant was commissioned as a Military Nursing Service (MNS) Officer in the Indian Army on 20.01.1979. She sought premature retirement on 31.12.1999, after completing a total service period of 20 years, 11 months, and 12 days. Following retirement, she was issued PPO No. M/004498/1999, fixing her pension based on the rank of Major.

3. The Applicant submitted a representation to Respondent No. 5, requesting her service be rounded off to 21 years and her pension revised to the rank of Lt. Col. in accordance with Para 10 of Circular 555. In response, Respondent No. 5, vide letter dated 24.06.2016, advised CPPC Belapur to take necessary action as per the circular after due verification.

4. The Applicant subsequently filed CPGRAMS grievances (No. DOPPW/E/2016/06877 and No. PMOPG/E/2016/0391170), stating that her pension had not been revised, wherein on 11.01.2017, Respondent No. 5 issued a letter rejecting the Applicant's case. The rejection cited Para 11 of Circular No. 555, concluding that her service of 20 years, 11 months, and 12 days was less than the required 21 years,

making her ineligible for the pension revision to the rank of Lt. Col. Aggrieved by the aforesaid rejection, applicant has preferred this OA.

Submissions on behalf of Applicant

5. It is the case of the applicant that vide Para 10 of the Circular No. 555 dated 04.02.2016, it was decided that while calculating the length of qualifying service for the pensionary benefits, a period of nine months or more but less than a year shall be treated as a complete one year for determining the amount of pension w.e.f. 28.06.1983, and that vide Para 11, it has been specified that the provisions of the ibid circular shall be applicable to all pre-01.07.2014 pensioners/family pensioners.

6. It is elaborated by the applicant that since her service is 20 years, 11 months and 12 days, she is entitled for condonation of shortfall in 21 years of service and that on such condonation, she would be entitled for grant of substantive rank of Lt Col as per GoI letter dated 14.01.2000.

7. Placing reliance on the judgement of this Tribunal in ***Lt Cdr BR Sharma & Ors. V. Union of India & Ors. /OA 138/2013***, it is contended that the benefit of reduction of grant of substantive rank of Lt Col to the Majors with 20 years

of service can be extended to the applicants and entitling them to all consequential benefits arising therefrom.

Submissions on behalf of Respondents

8. Per contra, it is the case of Respondents that while Para 10 of the Circular No. 555 does pertain to calculate fraction of year of service for pensioner benefits, yet it does not confer any right of condonation of shortfall to the applicant being a Commissioned Officer, since the benefit of condonation of shortfall is only for PBORs and not for Commissioned Officers.

9. It is further contended by the Respondents that the benefit of Govt of India letter dated 14.01.2000 cannot be granted to the applicant for two reasons – first, the letter is applicable to those who were in service as on or after 14.01.2000, which applicant was not as she retired prior to 14.01.2000 and second, the benefit conferred by the letter is not applicable to MNS officers, and thus, applicant cannot be granted the benefit of the same.

Consideration

10. We have heard both the parties at length, and have perused the material placed on record by both the parties including the policy letters and regulations. On a detailed analysis of the aforesaid documents and the arguments by both

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the parties, we find that the two questions that arises for our consideration in the view of the prayer made by the applicant:-

A) Whether the applicant is entitled for the benefit of grant of rank of Lt Col or not as per the Ministry of Defence, Govt of India letter dated 14/01/2000 ?

B) Whether the condonation of shortfall can be granted to her for the purpose of grant of rank of Lt Col or not ?

11. As regards the first question, it is important to quote the MoD, Govt of India letter no. 14(1)/98/D(AG), dated 14/01/2000 as under:

“No. 14(1)/98/D(AG)
Government of India, Ministry of
Defence,
New Delhi, the 14th January, 2000.

To,

Chief of the Army Staff Chief of
the Naval Staff Chief of the Air
Staff

Subject: Implementation of Vth Pay Commission Recommendations –
Para 147.21 Conditions regarding grant of substantive rank to
officers of Army, Air Force and Navy.

Sir,

In supersession of the existing orders on the grant of substantive promotion to officers of Army, Air Force and Navy, the President is pleased to sanction the following revised years of service required for promotion to substantive cadres of the following services/Corps :~

Arms/Service/ Corps	Lt. & Equiv.	Capt. & Equiv. (Years)	Major & Equiv. (Years)	Lt. Col. (TS) & Equiv. (Years)
(i) Officers of Services other than AMC, ADC, MNS, RVC, SCO, MF, SL, SD List Officers (Navy) & RCO Officers	On completion of Training	4	10	20
(ii) RVC	Date of joining	1	7	17
(iii) MF	On completion of Training	5	12	23
(iv) SL Officers	- do -	5	12	20
(v) RCOs	- do -	3	-	-
(vi) Special Commissioner Officers (SCOs)	- do -	4	10	20
(vii) Army Medical Corps (a) AFMC	Date of joining	1	5	14
(b) Direct Entry	-	Date of joining	4	13
(viii) ARMY DENTAL CORPS	Date of joining	Yrs Mtns	Yrs Mtns	Yrs Mtns
(a) Without Internship		1 6	5 6	14 6

(b) With Internship	-do-	0 6	4 6	13 6
MNS	On completion of Training	5 -	12 -	20 -
(ix) NAVY (a) General Officers	List	On completion of Training	3 -	7 years as Substantive Lieutenant
(b) SD List Officers		On Commission	3 -	10 years of Commissioned Service
(x) AIR FORCE (a) Permanent Commissioned Officers		On completion of training	4 -	10 -
(b) Branch Commissioned Officers	-do-	5 -	11 -	-

12. On perusal of the conditions for grant of substantive rank to MNS officers, in the above letter, it is seen that there is an entry, for MNS cadre which appears to be under the heading of Army Dental Corps. This was stated by the Respondents in their oral arguments. However, this contention by the Respondents appeared to be flawed. Hence, vide order dated 11/12/2025, the following questions were posed by the Tribunal to the respondents:~

Whether 'MNS' written on the second page forms a part of column 'viii', in which case it should appear as sub-clause (c), or whether it constitutes a separate column 'ix'.

13. The respondents submitted a clarification vide order dated 29.01.2026, affirming that the entry for 'MNS' is to be treated as a separate and distinct Column, rather than a subset of the preceding column (Army Dental Corps). Hence, provisions relating to the Military Nursing Service (MNS) are accorded the status of an independent category which does not cover only MNS cadre of Army Dental Corps. Once this issue is clarified, it became amply clear that the 5th pay commission has made 20 years as the criteria for grant of substantive rank of Lt. Col to MNS officer, the cadre to which the applicant belongs.

14. The respondents in their averments submitted that the letter no. 14(1)/98/D(AG), dated 14.01.2000 is not applicable to the applicant because she retired prior to the implementation of this letter i.e. on 31/12/1999. However, this issue has been elaborately discussed with regards to the applicability in the *Suchet Singh Yadav v. Union of India & Ors.* [2018 SCC OnLine SC 230]. This is because the MOD Letter dated 14.01.2000 is issued as a consequence of 5th pay commission which is applicable to all such individuals who were in service as on 01.01.1996.

15. Hence, in the light of settled position of *Suchet Singh Yadav (supra)*, the applicant is deemed to have been promoted *DA 2049/2017*

to the rank of Time Scale Lt Col w.e.f. date of her completion of 20 years of service as per the provisions of MoD, Govt. of India letter no. 14(1)/98/D(AG), dated 14.01.2000 since she was in service on 01.01.1996 and she shall be entitled to be consequential benefits, which is applicable to her, to be paid within two months from the date of pronouncement of this order.

15. Finally, with respect to the question no. 2, we find that as per Govt. of India, MoD Letter no. 14(1)/98/D(AG), grant of benefit of rank of Lt Col (TS) has been extended to the MNS officers on completion of 20 years of service, which undisputedly, has been completed by the applicant in this case. Hence, this discussion/question stands redundant and needs no further examination.

16. In light of above directions, the aforesaid OA 2049/2017 is disposed off.

17. There shall be no order as to costs.

18. Pending miscellaneous application(s), if any, are disposed off.

Pronounced in open Court on this 4th day of February, 2026.

**(JUSTICE NANDITA DUBEY)
MEMBER (J)**

**(RASIKA CHAUBE)
MEMBER (A)**

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