

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

**O.A. No. 510 of 2019**

**In the matter of :**

**Ex-Capt (Mrs.) Vidyawati Malik**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant : Shri Shakti Chand Jaidwal, Advocate**

**For Respondents : Shri Anil Gautam, Sr. CGSC for  
Respondents Nos. 1 to 4.**

**CORAM :**

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

**ORDER**

Invoking the jurisdiction of the Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 (hereinafter referred to as 'AFT Act'), the applicant has filed this OA and the reliefs claimed in Para 8 read as under :

***"(a) Call for relevant records of the Applicant and after perusal thereof, set aside the impugned order dated 05.12.2018 passed by the Respondents, thereby, directing the PCDA (Pensions), Allahabad to grant benefit of***

- 'Rounding-off/Broad-banding' policy to the Applicant wef 01.01.2016 instead of 01.01.1996;**
- (b) Direct the Respondents to revise and pay disability pension to the Applicant consisting of Service Element and Disability Element @20% from 01.01.1986 to 31.12.1995 and @ 50% for life wef 01.01.1996 by rounding-off/broad-banding her disability pension from 20% to 50% in terms of Govt. Policy dated 31 Jan 2001, as she was actually invalided out from service, wherein, her services were cut short;**
- (c) Direct the Respondents to revise and pay disability pension to the Applicant in accordance Concordance Tables promulgated vide Govt. Policy letter dated 17 Oct 2018 for 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> CPCs wef 01.01.1986, as calculated by the Applicant at Paras 4.20 and 4.21 above;**
- (d) Direct the Respondents to pay arrears of the disability pension to the Applicant w.e.f. 01.01.1986 @ 10% p.a., since they have failed to revise and pay disability pension to her as per Concordance Tables on their own.**

- (e) ***Award cost of this litigation to the Applicant as deemed just and proper by this Hon'ble Tribunal, keeping in view the facts and circumstances of the case and/or;***
- (f) ***Issue any other order(s)/direction(s) as deemed appropriate by this Hon'ble Tribunal under the facts and circumstances of this case."***

### **BRIEF FACTS**

2. The applicant was commissioned in the Indian Army in the Military Nursing Service (MNS) on 31.12.1974 after being found medically fit in all respects. She was a Permanent Commissioned Officer in MNS cadre and was eligible to serve till the age of superannuation. However, the Applicant was invalidated out of service on 23.02.1983 after rendering eight years of service due to her disability. It is the case of the applicant that the Invaliding Medical Board (IMB) assessed her disability, namely 'Severe Sensorineural Deafness' @ 20% for life and held it attributable to/aggravated by military service. The applicant was granted disability pension vide PPO No. M/3733/85 dated 23.12.1985 consisting of Service Element @ 280/- p.m. and disability element of Rs. 34/- p.m. @ 20% for

life with effect from 24.02.1983. The applicant submits that the 5<sup>th</sup> Central Pay Commission (CPC) recommended broad-banding of disability pension in cases of personnel invalided out of service and vide Notification No. 1(2)/97/D (Pen-C) dated 31.1.2001 issued by the government, it has been provided that disability assessed below 50% shall be reckoned as 50% for computation of disability element. The applicant contended that being an actual invalided out case, her disability assessed at 20% ought to have been rounded-off to 50% w.e.f. 01.01.1996. The applicant further contended that the respondents committed an error in considering her case for broad-banding only w.e.f. 01.01.2016 instead of 01.01.1996.

3. It is the case of the applicant that in March 2018, during interaction with other Invalided Out MNS officers, she came to know that an amount of Rs. 17,669/- being paid to her was considerably less than the amount paid to similarly situated Invalided Out MNS officers, and thus she preferred an appeal dated 25.03.2018 to the respondents for broad-banding of her disability pension from 20% to 50% w.e.f. 01.01.1996 and also sent a reminder dated 27.06.2018 followed by a third letter dated 20.11.2018 with all supporting documents stating that

she was actually invalided out from service because of the said disability just after 08 years, thereby, her services were cut short and, therefore, she was entitled to the benefit of broad-banding wef 01.01.1996; that IHQ, MoD(Army) vide letter dated 12.07.2018 directed PCDA (P) to examine case of the applicant for grant of benefit of broad-banding wef 01.01.2016 instead of 01.01. 1996 and subsequently, IHQ, MoD (Army) sent another letter dated 31.07.2018 directing PCDA (P) to examine case of the applicant for broad-banding of her disability pension wef 01.01.2016 instead of 01.01.1996. The applicant submits that even after clarification with documentary proof, the respondents once again directed the PCDA (Pensions) vide order bearing No. NR-15727H/MPRS (O)/2018 dated 05.12.2018 (impugned herein) to consider the case of applicant for grant of benefit of broad-banding from 01.01.2016 instead of 01.01.1996. Aggrieved by this, the applicant has filed the present OA.

4. It has been submitted on behalf of the applicant that, during the pendency of the present OA, on coming to know of a Govt. Policy letter dated 29.01.2019 guaranteeing Rs. 18,000/- as minimum disability pension, the applicant made

an RTI application dated 08.01.2020 to the PCDA (Pension), Allahabad seeking information on payment of service element and disability element separately, which was forwarded by them to the Bank of Baroda, CPPC in Gujarat vide letter dated 01.07.2020 and the applicant sent a letter dated 26.10.2020 to CPPC through her counsel for supplying desired information.

5. The learned counsel for the applicant submitted on initial implementation of recommendations of 7<sup>th</sup> CPC, pension of pre-01.01.2016 pensioners was revised as per Govt. Policy letter No. 17(01)/2016-D (Pen/Pol) dated 29.10.2016, which was circulated vide PCDA Circular No. 570, by multiplying pension for the month of December 2015 by a factor of 2.57. According to this formulation, applicant's pension was revised to Rs. 17,669/- (Rs 6875 X 2.57), since her pension in the month of December 2015 was Rs. 6,875/-. The learned counsel further submitted that the Govt. issued a detailed policy letter No. 17 (01) /2017/ (02)/D(Pension/Policy) dated 05.09.2017 circulated vide PCDA Circular No. 585 dated 21.09.2017, according to which, pension of pre-01.01.2016 pensioners was revised by notionally fixing their pay in the pay

matrix recommended by 7<sup>th</sup> CPC in the level corresponding to the pay in the pay scale/pay band and grade pay at which they retired; that as per Govt. policy letter dated 05.09.2017, higher of the two formulations i.e., the pension already revised vide letter No. 17(01) /2016-D(Pen/Pol) dated 29.10.2016 and subsequently modified vide letter No. 17(01)/2017 (01)/D(Pen/Policy) dated 05.09.2017 was revised as pension with effect from 01.01.2016; however, applicant's pension was not revised as per second formulation, which was more beneficial to her and hence she was being paid considerably less pension amount and disability element was also not being paid to her.

8. It has further been submitted that in a Corrigendum PPO No. M/V<sup>th</sup> CPC/3102/98 dated 30.11.1998 issued by PCDA (P), Allahabad, service element was revised to Rs. 1949/- wef 01.01.1996 based on Notional Basic Pay of Rs 2800/- in pay scale Rs 2200-4500 of 4<sup>th</sup> CPC and since disability element was not mentioned in said PPO, the disability element seemed to have been stopped by pension paying bank from 01.01.1996 onwards, instead of revising the same as above; that the Govt. vide letter No. 17(01)/2016-D (Pension/Policy) dated

17.10.2018 promulgated Concordance Tables revising pension in each rank for 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> CPCs and subsequently, PCDA issued Circular No. 610 dated 05 Nov 2018 for revision of pre-01.01.2016 pensioners as per Concordance Tables promulgated vide Govt. Policy letter dated 17.10.2018; however, as per Corrigendum PPO issued to the applicant, she was neither being paid disability element of pension nor her service element was revised as per the Concordance Tables, hence, the applicant was aggrieved by non-grant of broad-banding from 01.01.1996 and non-restoration of disability element and also incorrect revision of service element as per concordance tables.

9. The learned counsel for the applicant submitted that the Hon'ble Supreme Court vide order dated 10.12.2014 in case of Union of India & Ors. Vs. Ram Avtar (Civil Appeal No.418 of 2012) upheld orders of the Tribunal extending the benefit of broad-banding of disabilities to armed forces personnel who had retired with medical disability on their superannuation/ completion of tenure/prematurely considering such retirement as Deemed Invalidation. The learned counsel submitted that while implementing the recommendations of 7<sup>th</sup> CPC, the Govt.

has issued policy dated 05.09.2017 restricting the benefit of broad-banding to pre-01.01.2016 retirees from 01.01.2016, who had retired on superannuation/completion of tenures/prematurely with disabilities; whereas the personnel who were actually invalided out from service due to disabilities and whose services were cut short due to invaliding out, like the applicant, continue to be given the benefit of board-banding with effect from 01.01.1996 or from the date of their invaliding out.

9. The learned counsel submitted that the disability of the applicant 'Severe Sensorineural Deafness' being permanent for life, discontinuation of her disability element is against PPO dated 23.12.1985 wherein disability pension was granted for life and discontinuation thereof is against the Govt. Policy dated 07.02.2001, which states that disabilities of permanent nature are to be treated for life. The learned counsel further submitted that the husband of the applicant, who was suffering from multiple diseases expired on 16.11.2020 and as the entitled pension was not paid/revised by the respondents, which she had been requesting time and again, she could have afforded better treatment to her husband and he may have

survived longer; that the applicant herself, being an old age person, is suffering from multiple medical complications after having been invalided out from service and, therefore, early revision and payment of entitled disability pension would enable her to take appropriate care of her medical issues. The learned counsel prayed that all the reliefs as sought for by the applicant deserve to be granted.

Reply affidavit of Respondent No. 5 (Bank of Baroda)

10. Vide the reply affidavit filed on 03.11.2023 on behalf of Respondent No. 5, Branch Manager, Bank of Baroda, the submissions made by the applicant were denied and it has been submitted that the present issue is governed by the 5<sup>th</sup> CPC report and the they are not governed by the rules contained in the said report and the Govt. notification dated 31.01.2001 referred to in the OA does not apply to it; that the answering respondent is a financial institution and working as an intermediary and thus bound to work as per the instructions received from the employer of the applicant and disburse the payment as per the instructions received; that the notifications or letters referred to by the applicant are not relevant qua the status of Respondent No. 5.

Reply affidavit of Respondents No. 1 to 4 (Union of India & Ors.)

11. Respondents Nos. 1 to 4, through their counter affidavit filed on 27.08.2024, submitted that the applicant was invalidated out on 23.02.1983 and thus the service records and medical documents of the applicant have since been weeded out after completion of 25 years as per the policy on retention thereof; that the applicant was sanctioned disability element w.e.f. 24.02.1983 to 29.10.1984 only; that the applicant sent representation only in 2018 and that the applicant has approached this Tribunal in 2019 i.e. after a huge delay of 35 years, for which no justifiable reason was given and thus the OA is liable to be dismissed on the ground of delay and laches. On the issue of huge delay, the learned counsel relied upon various judgments of the Hon'ble Supreme Court including *C. Jacob Vs. Director of Geology and Mining and another*, (2008) 10 SCC 115, wherein it was held that 'a dead or stale claim is not permitted to be revived. The person who sleeps over his right is not entitled for any indulgence'.

12. The learned counsel submitted that the responsibility to revise service element under various circulars issued by the office of PCDA(P) Prayagraj, was entrusted to PDA (bank in this

case), hence the applicant was to approach PDA for this purpose; that LPC has not been received from PCDA(O) Pune so far to revise pension of the applicant w.e.f. 01.01.2016 under Circular 585 dated 29.09.2017 by the office of PCDA(P) Prayagraj; that as per PPO No. M/3733/85 issued by the PCDA(P) Prayagraj, while the service element was granted w.e.f. 24.02.1983 for life, the disability element was notified w.e.f. 24.02.1983 to 29.10.1984 as per GoI, MoD letter No. 2(34)/83/Pen-C dated 22.06.1984; that the service element award was revised under V CPC vide PCDA(P) office PPO No.M/DIS/Vth CPC/3102/1998; that except these, no other documents are available on record; that the provisions contained in GOI, MoD letter No. 1(12)/97/D(Pen-C) dated 07.02.2001, which has been referred to by the applicant, is applicable to service personnel who were in service on or after 01.01.1996, whereas the applicant was invalided out from service w.e.f. 23.02.1983 (AN) hence the said letter is not applicable in the instant case; and that it is the responsibility of the PDA (Bank) to revise pension as per circulars issued by the office of PCDA(P) Prayagraj from time to time and w.e.f. 01.01.2016, necessary Corrigendum PPO under Circular 585

dated 29.10.1987 has not been issued by the PCDA(P) Prayagraj so far as revised LPC is awaited from PCDA (P) Pune.

13. Pursuant to the Tribunal's order dated 28.03.2025, an affidavit was filed on behalf of the office of the PCDA (P) Prayagraj and it has been submitted therein as per GoI/MoD letter No. 2(34)/83/ Pen-C dated 22.06.1984, the applicant was invalided out of service for the disabilities : (i) Perceptive Deafness (NANA) (ii) Hypothyroidism (NANA) and (iii) Pulm Koch's (Attributable, 20%, from date of Invaliding Medical Board i.e. 24.02.1983 to 29.10.1984 - 2 years) iv. Pregnancy Normal (NANA); that consequently, vide PCDA(P) PPO No. M/3733/85, the applicant was granted service clement w.e.f. 24.02.1983 for life while disability element notified w.e.f. 24.02.1983 to 29.10.1984 only and the same was intimated to the applicant vide letter No. 01/M/4872 dt 23.12.1985 and a letter dated 22.06.1984 was attached to the affidavit which clarifies that the service element is for life and disability element is for the specific period mentioned therein i.e. 24.02.1983 to 29.10.1984; that the service element award was revised under V CPC vide PCDA(P) office PPO No. M/DIS/Vth CPC/3102/1998 and no other documents are traceable. It has

been further submitted that since disability had been sanctioned to the applicant up to 29.10.1984 only, thus the applicant is not entitled for broad-banding of disability element neither w.e.f. 01.01.1996 nor w.e.f. 01.01.2016 as is the relief sought for by the applicant in the instant OA. Moreover, it is important to note that the disability element was granted to the applicant for the disability 'Pulm Koch's', a disease of lungs i.e. pulmonary tuberculosis. There are many scientific articles in the open domain to indicate that the tuberculosis, if timely diagnosed, can be cured by antibacterial medication for 6-12 months except in serious cases, one such is the **WebMD**, the editorial medically reviewed on 31.10.2025, which indicates to the effect :

***"With the proper treatment, tuberculosis (TB, for short) is almost always curable.***

***Doctors prescribe antibiotics to kill the bacteria that cause it. You'll need to take them for 6 to 9 months. What medications you take and how long you'll have to take them depends on which works to eradicate your TB...."***

and thus probably the disability of the applicant was assessed for a limited period only from the date of her invalidment. The said disability having been conceded as attributable to military

service, the applicant was granted disability element of disability pension from 24.02.1983 to 29.10.1984.

14. As regards the correct entitlement of service element of pension as per 7<sup>th</sup> CPC order, it has been submitted that as per O/o the PCDA (P) Prayagraj Circular No 585 dated 21.09.2017, pension of all Armed Forces Personnel who retired prior to 01.01.2016 shall be revised notionally by fixing their pay in the 7<sup>th</sup> CPC pay matrix corresponding to the pay at which they retired; as per Para 18 to 22 of the ibid Circular, Record Office (RO) will initiate cases of revision of pension/family pension of pre-01.01.2016 pensioner/family pensioner and forward the claim along with all related documents, duly vetted by concerned Pay and Accounts Office (PAO) to PSA for issue of revised PPO; that no correspondence/claim for revision of pension and issue of 'LPC-Cum-Data Sheet' from RO has been received in the office of PCDA(P) and thus in view of these facts and circumstances, the applicant is not entitled to any relief.

15. In the rejoinder filed on behalf of the applicant, it has been submitted that as per the PCDA Circular 608, applicant's service element was supposed to be revised Rs. 30,400/- with

effect from 01.01.2016 whereas she continues to be paid Rs.17,669/- till date. It has further been submitted by the learned counsel for the applicant that the cause of action of the instant case arose in October, 2018 when the applicant came to know that her pension was not revised as per Concordance Table circulated vide PCDA Circular No. 608 dated 26.10.2018 and with regard to the same, a representation was also made on 20.11.2018 and, therefore, averment made by Respondents Nos. 1 to 4 that the claim is dead due to delay and laches is wrong with regard to the revision of pay/pension.

### **ANALYSIS**

16. We have heard the learned counsel for the parties at length and have also perused the records available on record.
17. It is undisputed that the applicant was commissioned in the Indian Army in the Military Nursing Service (MNS) on 31.12.1974 and was invalided out of service on 23.02.1983 after approximately eight years of service. It is also not in dispute that she was granted disability pension vide PPO No. M/3733/85 dated 23.12.1985 which was later discontinued as, according to the respondents, the disability element was

sanctioned only for a period 24.02.1983 to 29.10.1984. The dispute revolves around in this case as to whether the applicant was entitled to disability element for life or only for a limited period up to 29.10.1984; whether she is entitled to the benefit of broad-banding of disability element from 01.01.1996 or from 01.01.2016; and her disability pension has not been correctly revised as per concordance table under various CPCs and circulars.

18. The controversy was taken into consideration by the Tribunal and thus on 23.08.20205, notice was issued to the office of the PCDA (P) Prayagraj specifically to address on the issue, pursuant to which, an affidavit was filed on behalf of the office of the PCDA (P), Prayagraj, and perusal thereof makes it evident that although the applicant was invalided out of service, however, the disability element was sanctioned to her only for a specific period from 24.02.1983 to 29.10.1984 in respect of the disability 'Pulm Koch's' which was conceded to be attributable @ 20% for two years, other disabilities being NANA, and thus the disability element was sanctioned from 24.02.1983 to 29.10.1984 only. This statement has been substantiated by a GoI, MoD letter dated 22.06.1984, annexed

to the affidavit of Respondent No. 4, clearly stipulating that while the service element was granted for life, the disability element was admissible only for the aforesaid limited duration of two years from the date of invalidment i.e. from 24.02.1983 to 29.10.1984. The PPO dated 23.12.1985 is in consistence with this position. Therefore, the applicant is not entitled to the disability element of pension for life and thus the question of broad-banding from 01.01.1996 or 01.01.2016 does not arise.

19. The respondents have destroyed all the relevant documents after retention period of 25 years of applicant's invalidment in accordance with rules on the subject. That apart, no meaningful medical or service document is available on record except a document filed i.e. letter dated 22.06.1984 as mentioned hereinabove filed with the affidavit of the PCDA (P) Prayagraj. In this case, there is no document submitted by the applicant in the OA vide which it would be possible to come to any firm conclusion as to which was the actual disease for which disability element was granted at the time of her invalidment. Additionally, in the absence of medical board proceedings/records we are unable to know the period of the

disablement the medical board decided for the relevant disease. Therefore, we are not in a position to verify the factual details as to what was the exact nature of disability suffered by applicant and the disability percentage. Hence, in the absence of any medical documents, no decision on disability element of pension for life can be taken in vacuum.

20. In this regard, it would be appropriate to refer to the judgment of the Hon'ble Delhi High Court in a similar case i.e. **Shri Deo Prakash Vs. Union of India and others [W.P. (C) No.6141 of 1999]** decided on 15.02.2008, wherein the Court held that if the record was destroyed, it cannot be said that there was any wrong by the respondents. The entries in the Long Rolls are required to be preserved permanently. The requirement is to record date and cause of becoming non-effective, but such entries in the discharge book are not primary evidence and do not reflect medical details required for a decision on granting disability pension. The primary medical record is not available after 25 years. The primary medical evidence related to the disability having been destroyed, the document filed by the applicant is not conclusive to return a finding that the disability of the

applicant was for life. Thus, the prayer made in the OA for grant of disability element of pension for life, in our opinion, is misconceived.

21. The applicant has strongly relied upon the policy letter dated 31.01.2001 issued pursuant to the recommendations of the 5<sup>th</sup> CPC, which introduced the concept of broad-banding of disability percentage for personnel invalided out of service. There is no dispute about the legal proposition that personnel invalided out with disability assessed below 50% are entitled to rounding off to 50% in terms of the said policy. Initially, the benefits under policy letter dated 31.01.2001 were restricted only to Armed Forces personnel who were invalided out of service on or after 01.01.1996. However, on the representation made by various Pensioners' Association for extending the provisions of broad-banding of percentage of disability to pre-1996 Armed Forces pensioners, the government had accorded sanction granting them also such benefits vide GoI MoD letter No.12(16)/2009/D(Pen/Policy) dated 15.09.2014. In the above letter modifying the previous letter dated 31.01.2001, it has been provided that :

***“..... In partial modification of this Ministry's above said letter dated 19.01.2010, the President is***

***now pleased to decide that with effect from 1.1.1996, the benefit of broad banding of percentage of disability/war injury shall be allowed to Armed Forces Officers and PBOR pensioners who were invalided out of service prior to 1.1.1996 and were in receipt of disability/war injury element as on 1.1.1996. In such cases where the pensioner was not in receipt of disability element as on 1.1.1996 but became entitled at a later stage due to reassessment of disability more than 20%, this benefit shall be allowed from the same date. Similarly, in those cases where the pensioners were in receipt of disability element/war injury element as on 1.1.1996 but the same was discontinued at a later stage due to reassessment of disability as less than 20%, the disability element/war injury element shall be discontinued from the later date as hitherto. However, in those pre-1.1.1996 cases where the disability element/war injury element was not allowed for disability being accepted as less than 20% at initial stage or subsequent stage on reassessment of disability, the same will continue to be disallowed and such cases will not be re-opened”.***

Therefore, the applicant's contention that she is entitled to broad banding has no substance and is unacceptable as the applicant was not in receipt of disability pension as on 01.01.1996. If the disability element stood sanctioned only up to a specified date and ceased thereafter in terms of the original sanction, there remains no disability element in existence to be broad-banded/rounded off. Further, the applicant's

contention that discontinuation of disability element was contrary to policy dated 07.02.2001 also does not hold much water as the respondents have clarified that the said policy is applicable to personnel who were in service on or after 01.01.1996, whereas the applicant had been invalided out in 1983. Besides, in the absence of any other document or medical records, having been weeded out, other than the letter dated 22.06.1984 filed by Respondent No. 4 (PCDA (P) Prayagraj) along with its affidavit, which has not been disputed by the learned counsel for the applicant, the Tribunal cannot proceed on presumptions and thus it is not possible to now re-adjudicate the nature, duration, or reassessment of the disability after 1984. The personal circumstances of the applicant, including the demise of her husband and her present medical condition, undoubtedly evoke sympathy. However, entitlement to pensionary benefits must rest upon statutory rules and sanctioned orders.

22. It is pertinent here that while the matter was pending, the office of the PCDA (P) Prayagraj had issued a PPO bearing No. 102198300032 and a pension slip for June, 2025 was submitted indicating the grant of invalid pension to the

applicant with effect from a particular date i.e. 01.07.2024. However, the applicant claimed pensionary benefits from the original date along with disability element of pension. We have already dealt with the issue of grant of disability element of pension hereinabove. As for service element, vide its affidavit dated 20.08.2025, the office of PCDA (P) Prayagraj stated as under :

***“5. That regarding correct entitlement of service element of pension as per 7<sup>th</sup> CPC order, it is submitted that as per O/o the PCDA (P) Prayagraj Circular No 585 dated 21.09.2017, pension of all Armed Forces Personnel who retired prior to 01.01.2016 shall be revised notionally by fixing their pay in the 7<sup>th</sup> CPC pay matrix corresponding to the pay at which they retired. As per Para 18 to 22 of the ibid Circular, Record Office (RO) will initiate cases of revision of pension/family pension of pre-01.01.2016 pensioner/family pensioner and forward the claim along with all related (PAO) to PSA for issue of revised PPO. It is further submitted that no correspondence/claim for revision of pension and issue of “LPC-Cum-Data Sheet” from RO has been received in the office of PCDA(P).”***

Be that as it may, as it is very old case and the applicant being an old and infirm person, it will not be feasible for the applicant to get the claim forwarded through RO now, particularly when

the records pertaining to the applicant have already been weeded out. Therefore, the applicant is entitled to revision of her pension notionally fixed in the 7<sup>th</sup> CPC as on 01.01.2016 corresponding to the pay at which the applicant was invalided out from service as per the concordance table issued by the Govt. indicating basic pay under 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> CPC.

### **CONCLUSION**

23. In view of the aforesaid consideration, we allow this OA to the extent that the respondents are directed to grant the service element of disability pension duly revised notionally fixing the pay in the 7<sup>th</sup> CPC pay matrix corresponding to the pay as per the concordance table issued by the Govt. under the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> CPC along with the arrears from 01.01.2016, after adjusting the payment already paid towards the service element of disability pension.

24. The respondents are thus directed to calculate, sanction and issue the necessary Corrigendum PPO to the applicant within a period of three months from the date of receipt of copy of this order and the amount of arrears shall be paid by the respondents, *failing which*, the applicant will be entitled for

interest @ 8% p.a. from the date of receipt of copy of the order by the respondents.

25. There is no order as to costs.

Pronounced in open Court on this 3<sup>rd</sup> day of March, 2026.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)**

/ng/