

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

T.A.NO.81 OF 2010

W.P.(C) No.37949/2007 of the Hon'ble High Court of Kerala at Ernakulam

WEDNESDAY, THE 22ND DAY OF FEBRUARY, 2012/3RD PHALGUNA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

SUDESH KUMAR.P.  
PADMALAYAM, PONMANA P.O.  
CHAVARA, QUILON – 691 583

**APPLICANT/PETITIONER:**

BY ADV. SRI. SHAIJAN C. GEORGE.

***versus***

1. THE COMMODORE, BUREAU OF SAILORS,  
CHEETAH CAMP, MANKHURD,  
MUMBAI.

**RESPONDENTS/RESPONDENTS:**

2. THE PERSONAL SECRETARY,  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSION,  
NEW DELHI.

3. THE C.D.A. (NAVY), NO.1 COOPERAGE ROAD,  
PENSION CELL, MUMBAI - 39.

4. THE CHIEF OF THE NAVAL STAFF, INTEGRATED HEADQUARTERS,  
MINISTRY OF DEFENCE (NAVY),  
DIRECTORATE OF PAY & ALLOWANCES, D-II WING,  
SENA BHAWAN, NEW DELHI – 110 011.

5. COMMANDER, SR. STAFF OFFICER (PENSION) FOR COMMODORE,  
BUREAU OF SAILORS, CHEETAH CAMP, MANKHURD, MUMBAI.

**ADDL. RESPONDENT:**

6. UNION OF INDIA, REPRESENTED BY  
SECRETARY TO MINISTRY OF DEFENCE.

(Addl. R6 is impleaded as per order in IA No.148/2010 dt.19.11.2010)

R1 TO R6 BY SR. PANEL COUNSEL SRI. S. KRISHNAMOORTHY.

**ORDER**

**A.C.A.Adityan, Member (J):**

This application has been transferred from the High Court of Kerala, Ernakulam, wherein the same was filed as W.P.(C) No.37949 of 2007, under Section 34 of the Armed Forces Tribunal Act, 2007 and taken on file by way of assigning new number T.A.No.81/2010.

2. We heard Mr.S.Krishnamoorthy, Senior Panel Counsel, who undertakes to file memo of appearance in the course of the day. The learned Senior Panel Counsel has produced G.O. No.PC 10(1)/2009-D (Pen/Pol) of Government of India, Ministry of Defence, Department of Ex-servicemen Welfare, New Delhi dated 8<sup>th</sup> March 2010 and also perused the judgment of the Honourable Supreme Court in **D.S.Nakara and Ors vs. Union of India** (1983) 1 SCC 305. After due deliberation, the learned Senior Panel Counsel with due deference to the suggestion made by this Tribunal has made an endorsement in the application that a Corrigendum PPO will be issued to the applicant in terms of the dictum in **D.S.Nakara's** case (supra).

3. Under such circumstances, this T.A. is disposed of with the following observations:

A new corrigendum PPO shall be issued in favour of the applicant by the respondents in terms of the dictum in **D.S.Nakara and**

**Ors vs. Union of India** (1983) 1 SCC 305, within two months. We also make a personal request to Mr.S.Krishnamoorthy, the learned Senior Panel Counsel, to see that the applicant gets his due monetary benefit from the date of his retirement in terms of the dictum laid down by the Honourable Apex Court in **D.S.Nakara's** case within the time stipulated in the order. If the applicant feels any difficulty in getting the monetary benefits as directed above, it is made clear that he is at liberty to approach this Tribunal.

No costs.

Sd/-  
LT. GEN. THOMAS MATHEW,  
MEMBER (A)

Sd/-  
JUSTICE A.C.A. ADITYAN,  
MEMBER (J)

DK.

(True copy)

Prl. Private Secretary

ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, KOCHI.

T.A. 81 of 2010  
[WP(C) No.37949/2007 of the  
High Court of Kerala at Ernakulam]

**ORDER**

DATED: 22.02.2012