

SEE RULE 102 (1)ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATAAPPLICATION : O.A. : 10/2016DATED : THE Fifteenth DAY OF SEPTEMBER, 2018CORAMHON'BLE DR. (MRS.) JUSTICE INDIRA SHAH, MEMBER (JUDICIAL)HON'BLE LT GEN GAUTAM MOORTHY, PVSM, AVSM, VSM, ADC,  
MEMBER (ADMINISTRATIVE)

APPLICANT (S) : No. 685195-R EX-JWO BISIKESAN PRADHAN  
Resident of Plot No. – 1D/329, SECTOR - 10,  
C.D.A., P.O/P.S – Markat Nagar, Distt-Cuttack  
(ODISHA) PIN – 753 014

**Versus**

- RESPONDENT (S) :
- (1) The Union of India, service through  
The Defence Secretary  
Ministry of Defence  
South Block, DHQ, PO,  
New Delhi – 110 011
  - (2) The Secretary  
Deptt. of Ex-Servicemen  
Welfare & Pension  
Ministry of Defence  
South Block, New Delhi - 110011
  - (3) The Jt. CDA (Air Force)  
Air Force Station, Subroto Park  
New Delhi – 110 010
  - (4) The W.O. (I/C) Pre-2006 (A & N)  
Air Headquarters (Air Force)  
Directorate of Air Veterans  
Subroto Park, New Delhi – 110 010
  - (5) The Manager, SBI, Shelter Square  
Tulsipur, Cuttack (ODISHA)  
PIN - 753008

Counsel for the applicant (s) : In Person

Counsel for the Respondent (s) : Mr. Indrajeet Dasgupta, Ld. Advocate

## ORDER

PER LT GEN GAUTAM MOORTHY, PVSM, AVSM, VSM, ADC,  
MEMBER (ADMINISTRATIVE)

1. This is the second round of litigation in which the applicant himself has prayed for issue of a fresh Corrigendum P.P.O. in the rank which he was holding at the time of his retirement, i.e., Junior Warrant Officer (J.W.O.) Group – X and re-fixing his pension accordingly.

2. The applicant earlier filed a Writ Petition being No. W.P. (C) 5842/2008 at the Hon'ble High Court of Odisha at Cuttack; which was duly transferred to this Tribunal and was re-numbered as T.A. – 34/2012 along with one M.A. being number M.A. No. 47/2012. The above cases have been disposed of vide Order Serial No. 11 dated 15.09.2014 (Annexure : A-7) with the following directions:-

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 "17. In view of the above discussion, the T.A. (No. 34/2012) stands allowed on contest with the following directions :-

(a) The Respondent No. 2 i.e., Dy. CDA (Air Force), Subroto Park, New Delhi shall re-fix the applicant's pension in accordance with the Government of India Policy letter dated 09.02.2001 quoted above by considering the last pay drawn by the applicant in the rank of J.W.O.).

(b) Corrigendum PPO shall be issued along with all arrears from 31.05.2005 which is approximately one year before the applicant had filed the writ petition before the Hon'ble Orissa High Court since we also observe that the date of retirement of the applicant is also 31.05.2005.

(c) The arrear shall carry an interest at the rate of 9 percent per annum since despite clear order dated 24.04.2007 passed by the

*Hon'ble Single Judge from the Hon'ble Orissa High court, the authorities have failed to comply with the said order.*

*(d) The commutation value and other consequential benefits as would accrue due to such re-fixation shall also be made applicable to the applicant.*

*(e) The order shall be complied with within three months from the date of receipt of the order.*

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3. The applicant states that as per instructions of P.C.D.A. (Pensions), Allahabad Circular No. 430 dated 10.03.2010, his pension has been revised excepting for a period from 01.06.2005 to 31.12.2005 (6 months only).

4. The Ld. Counsel for the Respondents have filed a Supplementary Affidavit under which they have enclosed Circular No. 551 of 28.12.2005 issued by the P.C.D.A. (Pensions), Allahabad which deals with revision of pension in respect of pre-2006 retirees which has clarified that revision of pension would be done on basis of the last rank held.

#### Analysis and Order

5. The Respondents have quoted Circular No. 551 dated 28.12.15. It is not clear why this has been quoted as the applicant's rank has already been accepted as JWO and a Corrigendum has been issued to that effect. It is clear that this is simply a case of re-calculation of pension for the period from 01.06.2005 to 31.12.2005 (6 months) and hence, we direct the Respondent Nos. 3 & 4 to re-calculate the amount due to the

applicant and grant him pension along with all arrears within a period of three (03) months from the date of receipt of this order, failing which the arrears will carry a simple interest @ 12% per annum till the date of realization of all such dues. A fresh corrigendum P.P.O. will also be issued to the applicant within the above period.

6. Application is thus stands allowed.
7. No order as to costs.
8. A plain copy of this order, duly countersigned by the Tribunal Officer, be furnished to both the sides after observance of all usual formalities.

(LT GEN GAUTAM MOORTHY)  
MEMBER (ADMINISTRATIVE)

(JUSTICE INDIRA SHAH)  
MEMBER (JUDICIAL)

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