

COURT No. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

21.

OA 589/2019

Ex. Hony Nb Sub Ram Kishan

.....Applicant

Versus

Union of India & Ors.

.....Respondents

For Applicant :Mr. S.M.Dalal, Advocate

For Respondents :Mr. J.S.Rawat, Advocate

CORAM:

HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE AIR MARSHAL B.B.P.SINHA, MEMBER (A)

ORDER

28.01.2020

By way of the present OA, the applicant claims pension in the rank of 'Nb Sub' with effect from 01.01.2006 on the basis of Govt. of India (MoD) Circular dated 12.06.2009.

2. Number of OAs are being filed by the individuals who were conferred Hony Rank of Nb Sub on the occasion of Republic Day/Independence Day and they have been claiming revision in their pension on the basis of Govt. of India letter dated 12.06.2009 in the rank of 'Nb Sub'. There are conflicting views as to whether the individual is entitled to revision in pension of 'HonyNb Sub' or 'Nb Sub'.

3. In O.A. No. 2127 of 2019 [Ex Hav (HonyNb Sub) Yogandar Singh Vs. Union of India & Ors.] decided on 10.12.2019 and O.A. No. 1981 of 2019 [Ex Hav (HonyNb Sub) Shiv Pal Vs. Union of India and others] decided on 11.12.2019, relying upon the judgment in Virender Singh & Ors. Vs. Union of India & Ors. [O.A. No. 42 of 2010] decided on 08.02.2010 the Tribunal granted pension to the applicant of the rank of 'Nb Sub', whereas in O.A.



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No. 06 of 2019 [Ex Hav (Honorary NaibSubedar) Ram Murti Vs. Union of India and others] decided on 22.07.2019 by AFT, Regional Bench, Lucknow, the applicant has claimed service pension in the rank of 'Nb Sub' relying upon the said Govt. of India Circular dated 12.06.2009, however, the OA was dismissed on the ground that the applicant was not entitled to pension of 'Nb Sub', when his last rank held was of 'HonyNb Sub'.

4. In view of the conflicting opinions, it will be desirable that the matter be referred to a Larger Bench for its decision as to whether an individual who has been conferred rank of 'HonyNb Sub' is entitled to the pension of 'Nb Sub' or 'HonyNb Sub' in terms of the aforesaid Govt. of India Circular dated 12.06.2009, and for the said purpose, let the matter be placed before the Hon'ble Chairperson for appropriate orders as may be deemed fit.

Sd/- xx xx

(JUSTICE SUNITA GUPTA)
MEMBER (J)

Sd/- xx xx

(AIR MARSHAL B.B.P.SINHA)
MEMBER (A)

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