

**FORM NO – 4**

**(SEE RULE 11 (1))**

**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**

**ORDER SHEET**

**APPLICATION No : O A 67/2011**

APPLICANT (S)

Ex Sub Suryya Kumar Das

RESPONDENT (S)

Union of India & 2 Ors

Legal Practitioner of applicant

Legal Practitioner for Respondent (s)

Mr. Sanjoy Chakraborty

Mr. Anup Kr. Biswas

NOTES OF THE REGISTRY	<b><u>ORDERS OF THE TRIBUNAL</u></b> Order Sl. No. : _____ Dated : 05.11. 2012
	<p>The original application is taken up hearing. We have heard Mr. Sanjoy Chakraborty, Id. advocate for the applicant and Mr. Anup Kr. Biswas, Id. adv. for the respondents at length.</p> <p>The case relates to one JCO from ASC, the applicant, who was enrolled on 18<sup>th</sup> July 1961 and was discharged on 31<sup>st</sup> January 1990 after completion of his entire terms and conditions of service. While he was discharged, he was placed in low medical category 'C', which was held to be aggravated by military service, by the PCDA(P) (Pension Sanctioning Authority at that time for the PBOR) and accordingly, he was granted disability pension at 50% from 1.8.90 to 8.12.94 vide PPO No. DE/012008/91 (para 2 II of the counter affidavit). Thereafter, he was placed before re-survey medical board and on the basis of recommendation of such board, the applicant was in receipt of disability pension with effect from 9.12.94 at the rate of 50% vide PPO NO. D/RA/20259/95 as mentioned in para 2 II(a) of page 3 of the counter affidavit. Subsequently, the applicant was reviewed again by a review medical board where his disability was reduced to 30% and the applicant was in receipt of such</p>

reduced disability pension w.e.f. 27.1.2000 on the basis of revised PPO vide PPO No. D/RA/20183/2000. Subsequently, a final review medical board was held in 2004 and the applicant was granted disability pension to the extent of 30% for life, which was also stated have been implemented, as mentioned in para 2II(C) of the counter affidavit vide PPO NO. D/RA/2151/2002.

As of date, as submitted by the Id. advocate for the applicant, the applicant is not in receipt of any disability pension although he was granted 30% disability pension for life w.e.f. 21.9.2004. Being aggrieved, the applicant has filed this original application with a prayer that such disability pension should be paid to him with arrears and interest from September, 2004.

Mr. Anup Kr. Biswas, Id. adv. for the respondents has, however, submitted that disability pension was sanctioned in favour of the applicant w.e.f. 21.9.2004 vide PPO No. D/RA/2151/2002, as already indicated in the counter affidavit at para 2 II ( C) at page 4. Mr. Biswas has also drawn our attention to annexure-A4 of the OA, which is a letter dt. 27.4.11 issued by ASC Records, Bangalore to the applicant. As per the said letter, as substantiated by Mr., Biwas, his disability pension and service element of disability pension, both were revised and paid to the applicant.

However, on perusal of the said annexure- A4 dt. 27.4.11, we find that it is a general letter in which the policies as applicable subsequent to 6<sup>th</sup> CPC have been explained to the individual and in this case the applicant was informed that in accordance with such policies, his pension as well as disability element of pension had been revised. It does not, however, give any indication with the regard to any revised/corrigendum disability PPO in specific. Notwithstanding the above, we find that the submission made by the respondents with regard to

issuance of corrigendum PPO NO. D/RA/2151/2002 relating to pensionary award of 2004 does not appear to be very convincing. Therefore, the applicant has remained a sufferer and as submitted by him through this OA as well as during oral argument, the applicant is still not in receipt of any disability pension which he ought to have received from 21<sup>st</sup> September 2004. From the arguments as put forward by Mr. Biswas it is evident that the respondents had no intention of withholding his due disability pension, which is 30% for life. However, it appears that on account of certain confusion and misunderstanding with regard to exchange of documents between the PCDA(P) and the Pension Disbursing Authority, i.e. concerned Bank, the applicant could have been suffering.

Having considered the matter carefully, we dispose of the OA by issuing the following directions :-

- i) The respondents are directed to issue fresh corrigendum PPO with regard to disability pension of the applicant. Such PPO shall be issued by the PCDA(P), Allahabad with regard to disability pension amounting to 30% for life with effect from 21<sup>st</sup> September, 2004 in accordance with the final medical board held in respect of the applicant. Such corrigendum PPO shall be issued within 30 days from the date of receipt of a copy of this order.
- ii) The Pension Disbursing Authority i.e. State Bank of India, Anandpuri Branch, PO Nona Chandanpukur, Dist. 24 Parganas, WB, shall be directed by the Pension Paying Authority ie. PCDA(P) to credit the entire amount of disability pension admissible to the applicant along with arrears as accrued to him from September, 2004 within 15 days from the date of receipt of such corrigendum PPO.

	<p>iii) Copies of all such correspondence shall be endorsed to the applicant by registered post with A/D for his information.</p> <p>iv) There shall be no order as to costs.</p> <p>v) Let plain copy of the order be handed over to both the parties.</p> <p>(LT. GEN K.P.D.SAMANTA) (JUSTICE RAGHUNATH RAY) MEMBER(A) MEMBER(J)</p>
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