

SEE RULE 102 (1)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATAO.A. NO. – 20/2017DATED :, THE ~~Fourth~~ DAY OF JULY, 2018CORAMHON'BLE DR. (MRS.) JUSTICE INDIRA SHAH, MEMBER (JUDICIAL)HON'BLE LT GEN GAUTAM MOORTHY, PVSM, AVSM, VSM, ADC, MEMBER (ADMINISTRATIVE)

APPLICANT (S) : No. 130716H ExERA-2, KaushikSengupta  
Resident of House No. 30, DharamrajMandir Road  
Ismail, Beside House of Dr. Omiyo Mukherjee  
Asansol, West Bengal-713 301  
(Presently employed in DGQA (Naval)  
at QAE (EFS), Kolkata – 700 022)

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 Chief of the Naval Staff  
(Through Chief of Personnel  
Integrated IHQ of MoD (NAVY)  
South Block, DHQ PO, New Delhi – 110 001
- (3) The Secretary  
Department of Ex-Servicemen  
Welfare & Pension  
Ministry of Defence, South Block,  
New Delhi – 110 011
- (4) The Officer-in-Charge  
Naval Pension Office (NAVPEN)  
c/o INS Tanaji, Sion – Trombay Road  
Mankhurd, MUMBAI – 400 008

Counsel for the applicant (s) : Maj Gen (Dr.) SK Choudhury, VSM (Retd)

Counsel for the Respondent (s) : Mr. Satyendra Agarwal

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

1. This is an application under Section 14 of the Armed Forces Tribunal Act, 2007 (The Act), assailing the non-condonation of deficiency of service by 8 months and 23 days to enable the applicant to earn service pension under Regulations 82 (a) of the Pension Regulations for the Navy 1964.

Facts of the Case

2. The facts of the case are that the applicant was enrolled in the Indian Navy on 03.08.2001 and after having served for 14 years, 3 months and 7 days, he took premature discharge on 09.11.2015 from INS Virbahu vide Gen Form No. 1503196/S dt 09.11.2015. He joined the post of Assistant Engineer (Naval Quality Assurance) in the office of the DGQA organization at Kolkata on 10.11.2015, which is a higher post than what he was holding in the Indian Navy.

3. While granting the premature discharge to the applicant from the services of Indian Navy at his own request on compassionate grounds, IHQ, MoD,(Navy) vide letter No. RP/1208/15/KS dt. 04.11.2015, had directed him to deposit a sum of Rs. 10,954/- in lieu of his training cost (Annexure – VIII of O.A.).

4. Earlier, the applicant was given his appointment letter on 18.08.2015 and was asked to join in the new appointment by 01.09.2015. On 01 September, 2015, the applicant vide his letter No. 259/1, addressed to the Director (Pers) DGQA (Annexure 4 of O.A.), requested for an extension in joining time of 11 months on compassionate grounds in view of his domestic requirement to support his ailing mother and two unmarried, physically handicapped elder sisters who are completely dependent on him. He further stressed that he be

allowed to complete 15 years of pensionable service so that he could earn his pension as well as avail of the medical facilities which are not available under the CGHS Scheme for DGQA (Personnel).

5. Vide DGQA letter No. 2381/AE (NQA) – E/DGQA (N) – Pers/2 dt. 14 September, 2015 (Annexure 5 of O.A.), the applicant's request to join the duty by 02.08.2016 was not accepted by the DGQA and the extension was granted only upto 18.11.2015. He was also informed that the offer of appointment will be cancelled if he failed to report to the post at the earmarked place by the stipulated date i.e. 18.11.2015. Accordingly, the applicant joined the services of DGQA (Naval) on 10.11.2015.

6. After he joined the service in DGQA (Naval), he repeatedly requested the Navy i.e., The Commodore Bureau of Sailors (For Staff Officer (Pensions)), Bureau of Sailors, Chetah Camp, Mankurd, Mumbai-400 088 vide his applications dated 28.12.2015, 02.02.2016, 20.02.2016 and 05.04.2016 for condonation of 8 months and 23 days of shortfall of service and grant of service pension on extreme compassionate grounds as he has 4 sisters, two of them being physically handicapped and unmarried and an old mother who was suffering from Cysticercosis (a kind of brain tumour), being his dependents. Apart from that, he was having problems with his neighbours who had grabbed his residential land and his sisters had faced murder attempts for which a FIR was also lodged. He has enclosed a number of supporting documents authenticating the fact that what he was stating, was true. He also stated that he had appeared in the UPSC Examination with due approval from his superior authority and was selected for this post. Hence, he has requested for condonation of shortfall of service by 8 months and 7 days to enable him to earn his pension.

7. Vide letter No. PEN/698/Non-Pen/130716 dt. 09.12.2016 the Naval Pension Office(Annexure-F of O.A.), turned down the applicant's

representations for the condonation of shortfall of service by 8 months and 23 days. The content of the letter is reproduced below: -

GRANT OF CONDONATION FOR PENSIONABLE SERVICE  
KAUSHIK SENGUPTA, EX-ERA-II, NO. 130716H

1. XXXXXXXX.

2. Your case for grant of pension has been examined at this office and the following is intimated :-

(a) You were enrolled into the Naval Service on 03.08.2001 and were discharged on 09.11.2015 on compassionate grounds at your own request and hence, your total service works out to be 14 years and 03 months and 07 days only.

(b) As per Regulation 78 of Navy Pension Regulation 1964, the minimum service required to earn service pension is 15 years.

(c) Also, under Regulation 82 (a) of Navy Pension Regulation 1964, you are not eligible for condonation of deficiency in service to earn service pension.

(d) Further, it is intimated that there is not such policy existing in Navy to grant any kind of pension to an ex-sailor on sympathetic grounds, who has less than 15 years of service.

3. Therefore, it is regrettably informed that you are not eligible for grant of Service Pension.

Sd/-x x xxxxxxxxxx  
( RK Nagar )  
Commander  
Staff Officer (Pension)  
For Logistics Officer-in-Charge

8. The applicant then vide his prayer No. Per/2 dt. 03.12.2015 (Annexure-1 of Counter Affidavit); desired to count his previous Naval Service from 03.08.2001 to 09.11.2015 for retirement benefits in the DGQA based on combined military and civil pension permissible in accordance with the provision contained in Rule 19(2) (a) & (b) of the CCS (Pension) Rules 1972 read with the Department of Pension & PW OM No. 28/5/97-P&PW dated 31.05.1988 and OM No. 28/49/87-P&PW dated 26.02.1988.

9. In reply, the QAE (Eastern Fleet Stores) Commissariat Road, Hastings, Kolkata-700022 vide File No. QAE(EFS)/KOL/A-23 dated 19.12.2016 (Page-35) has stated that the establishment has no objection if the ex-serviceman is granted pension along benefits from the Indian Navy and that the authorization of counting of previous military service had not yet been approved. The letter is reproduced below :-

**NO OBJECTION CERTIFICATE REGARDING PENSION BENEFIT IN RESPECT  
OF SHIRI KAUSHIK SENGUPTA, AE (NQA) E**

1. REFER TO PCDA, MUMBAI LETTER NO. IRLA/VIII/AT/216-49 DT 26/02/2016 SENT ALONG WITH THE CERTIFICATE OF VERIFICATION OF MILITARY SERVICE (KAUSHIK SENGUPTA, EX-ERA-2, 130716-H).
2. THE SERVICE COUNTING OF THE ABOVE MENTIONED EX-SERVICEMEN HAS NOT BEEN APPROVED YET AS THE EX-SERVICEMEN HAS OPTED TO SEEK CONDONATION OF PENSIONABLE SERVICE FROM INDIAN NAVY.
3. IT IS CERTIFIED THAT THE AUTHORISATION OF COUNTING OF PREVIOUS MILITARY SERVICE HAS NOT YET BEEN APPROVED BY PCDA (PENSION), ALLAHABAD (COMPETENT AUTHORITY) AND NO BENEFIT OF COUNTING OF SERVICE BENEFIT OF PENSION AND PROTECTION OF PAY HAVE BEEN APPROVED TILL DATE.
4. THIS ESTABLISHMENT HAS NO OBJECTION IF THE ABOVE MENTIONED OFFICER IS GRANTED PENSION BENEFITS FROM THE INDIAN NAVY.
5. CASES FOR COUNTING OF SERVICE AND PAY PROTECTION WILL NOT BE PROCESSED.

SD/-XXXXXXXXXX  
(DEBADUTTA MISRA)  
COMMANDER  
QUALITY ASSURANCE OFFICER

10. Hence, it is evident and clear that the present employer of the applicant, i.e., DGQA (EFS), Kolkata had no objection if the applicant is granted pension for the Naval Services.

### Arguments of the Counsel for the Applicant

11. Counsel for the applicant while placing the correspondence on record and has argued that the Para 82 (a) of the Pension Regulations for the Navy 1964 has been struck down by the Hon'ble Supreme Court in Uol and OrsvsGurmukhSingh &Ors in Civil Appeal 13893/2007 order dated 23.07.2012 and in Uol and AnrvsSurinder Singh Parmar and Ors in Civil Appeal No. 9389/2014 dated 20.01.2015, wherein the petitioner had put 14 years of service and were discharged from the Indian Navy prior to 15 years of service; hence, the case of the applicant is parimateria to these cases.

12. Pension Regulations for the Navy 1964 reads as under : -

82. Condonation of deficiency in service for eligibility to service / reservist pension – Except in the case of a sailor –

(a) Who is discharged at his own request, or

(b) Who is eligible for special pension or gratuity under Regulation 95, or

(c) Who is invalided with less than fifteen years' service, deficiency in the service qualifying for service pension or reservist pension or gratuity may be condoned by competent authority upto six months in each case.

13. The Hon'ble Bombay High Court in Gurmukh Singh and Ors vs UOI and others in W.P. 430 of 2005 had ruled that:-

10. xxx. Regulation 82 (a) to the extent which treats those discharged at their own request in the same class as the two other categories who are drawing pension, to our mind, is totally arbitrary and/or unreasonable and does not disclose any germane reasons for clubbing two distinct and disparate groups into one class for excluding deficiency in service for eligibility for pension. For all the aforesaid reasons, in our opinion, Regulation 82(a) of the Pension Regulation is clearly violative of Article 14 of the Constitution of India and consequently, null and void.

11. Once we come to the conclusion that Regulation 82(a) is null and void, then the case of the sailor who are discharged at their own request, will have to be considered by the competent respondents in terms of Regulations or Rules that are in force. We have noted at Exhibit "A" the shortfall for pension in so far as the petitioners and concerned. They

range from 16 days to 7 months and 24 days. All of them are entitled for consideration.

12. We, therefore, direct the respondents that within sixteen weeks from today, to consider the case of all the petitioners for the purpose of condoning the deficiency in service and to pass appropriate orders accordingly to law. If the deficiency is condoned then to pass appropriate order as to service pension.

13. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

14. In the other case, UolvsSurinder Singh Parmar&Ors (Supra), the Hon'ble Supreme Court has again struck down the Regulations for the Navy 1964, Para 82 (a).

15. The Counsel has also referred to the Armed Forces Tribunal, Principal Bench order of 10.04.2015 in O.A. 396/2014 with M.A. 462/2014, Ex AC Hemraj Singh vs Uol and Ors. The relevant extracts are set out as follows :-

"7. The validity of the Regulation 82(a) of the Pension Regulations for the Navy was challenged before the Hon'ble Bombay High Court in the Case of Gurmukh Singh Vs Union of India & Ors W.P. (C) No. 430/2005, wherein the Hon'ble Bombay High Court struck down Regulation 82(a) of the Navy Pension Regulations 1964.

8. Computation of pensionable service and benefit of condonation of shortfall in pensionable service in almost all the three Services of the Armed Forces are similar. We have quoted the Pension Regulation 114 (a) of the Pension Regulation for the Air Force 1961. The validity of the Regulation 82(a) of the Navy Pension Regulations 1964 was considered and was declared as ultra vires by the Hon'ble Bombay High Court in Gurmukh Singh's case (supra), and against this judgment, the Union of India preferred an appeal before the Hon'ble Supreme Court which was dismissed by the Hon'ble Supreme Court. In another case before the Hon'ble Delhi Court i.e., in the case of Surender Singh Parmar Vs. Union of India W.P. (C) No. 12507/2004 decided on 16.11.2007, the claim of the said petitioner for condonation of shortfall was denied. The said matter was also taken up before the Hon'ble Supreme Court and the Hon'ble Supreme Court dismissed the appeal of the said case also. Surender Singh Parmar approached the Tribunal i.e., before the Principal Bench of the Tribunal vide order dated 19.11.2013. Aggrieved against the order of the Principal Bench of the Armed Forces Tribunal dated 19.11.2013, the Union of India preferred Civil appeal No.9389/2014 before the Hon'ble Supreme Court. The said appeal of the Union of India was dismissed by the Hon'ble Supreme Court in the case of Surender



*Singh Singh Parmar (Supra)*, vide its judgment reported in 2015 (3) SCC 404.

9. Therefore, exactly the same restriction against the condonation of shortfall imposed by Regulation 82 (a) of the Navy Pension Regulations 1964 was struck down and the said judgment became final as well as the Tribunal's order in *Surender Singh Parmar's* case dated 19.11.2013 had been upheld by the Hon'ble Supreme Court even after taking note of the judgment of *Gurmukh Singh's* case of the Hon'ble Bombay High Court as well as the judgment of the Hon'ble Delhi High Court.

10. In view of the above, we are of the considered opinion that the provision of Regulation 114(a) of the Pension Regulations for the Air Force 1961 also appears to be in violation to Article 14 of the Constitution of India for the reasons mentioned in *Gurmukh Singh's* case (*supra*) as well as for the reason that such restriction will be in violation to the Constitutional provision, and the said restriction cannot be continued in the Pension Regulations for the Air Force 1964, and therefore, clause (a) of Regulation 114 of the Pension Regulations for the Air Force 1961 is declared as *ultra vires* being violative of Article 14 of the Constitution of India.

11. The contention of the learned counsel for the respondents is that the petitioner himself could have continued in service for even a short period of few months, but he did not choose to remain in service and knowingly inflicted injury upon himself, therefore, he cannot be held entitled to condonation of shortfall of few months. We are of the considered opinion that such contention cannot be accepted for the reason that the respondents themselves found genuine and accepted the petitioner's application seeking premature retirement on compassionate ground. Now the respondents have no right to contend that at particular point of time, the petitioner could not have sought the voluntary retirement. Otherwise also, normal presumption should be in favour of the petitioner for giving the benefit of the service pension for the reason that even if the petitioner committed some mistake in taking voluntary retirement, we shall presume that he must not have been knowing the consequence that he will be deprived of the service pension for life and consequential benefits. We are dealing with the subject where humanitarian based consideration should prevail, if it does not violate the law, and we should be liberal in favour of granting relief.

12. The respondents' stand that if the petitioner would have completed the service of merely few month more, he would have been entitled to service pension. But since he has not completed a few months' service, therefore, he should be punished with denial of service and consequential benefits for rest of the life which does not appear to be a just stand of the respondent's. Therefore, the respondents' contention that the petitioner's shortfall in service cannot be condoned because of the conduct of the petitioner himself, is rejected."



16. Counsel for the applicant has also referred to AFT, Kochi Bench order dated 28.02.2014 in OA No. 31/14 BalakrishnanMidaniyl(Ex Hav) vs UOI (Supra).

The relevant portions are as follows : -

*"7. In view of the aforesaid, we hold that Regulation 125 (a) of the Pension Regulations, being violative of Article 14 of the Constitution of India is null and void and as such the same does not survive on the statute book.*

*8. In view of the aforesaid, the respondents cannot be said to be justified in denying to consider the applicant's case for condonation of the deficiency in qualifying service for pension purposes.*

*9. The Original Application is, therefore, allowed. The Respondents are directed to give due consideration to the applicant's request for condonation of the deficiency in qualifying service for pension purposes and take a suitable decision in accordance with law without attaching any significance to regulation 125 (a) of the Pension Regulation.*

17. Counsel for the applicant also stressed upon the fact that the applicant was well aware of the consequential loss that may occur but due to extreme and compelling state of his family affairs he had no choice but to assume the appointment in the office of the DGQA. He also pointed out that the applicant was fully aware of the provisions of the Pension Regulations for the Navy 1964 and hence he had requested his future employer (i.e. DGQA) to grant him some more time (upto 02.08.2016) to enable him to complete 15 years of colour service entailing him Naval Pension which was declined by the concerned authority. Both the organizations, i.e., Indian Navy and the DGQA being under the Ministry of Defence and being sister branches, the action in such a manner as to deny him the service element of pension is harsh. He also stated that no reply was received from the PCDA (P) with the respect of counting of the former service towards the pension. Since he has joined a post in a civil organization i.e. the DGQA under the Ministry of Defence where the retirement age is 60 years,

he has prayed for counting his Naval service towards his pensionary benefits as and when he would retire from that post which is permissible under the policy.

#### Arguments of the Counsel for the Respondents

18. Counsel for the Respondents before proceeding to argue the case brought out the aspect of the jurisdiction of this Tribunal to hear the matter of a DGQA employee who, he stated, was governed under a different set of rules and not under the Navy Act. Proceeding to argue the case, he insisted on the Para 82 (a) of the Pension Regulations for the Navy 1964 continues to remain in vogue, although struck down the Hon'ble Supreme Court in the Gurmukh Singh's case. He has also pointed that the order was individual specific and not a blanket order. He has also produced a judgment of the Armed Forces Tribunal, Regional Bench, Kochi in O.A. 37 of 2015 dated 15.01.2016 in Ex Sgt Jyothish Prabhakaran, wherein the Bench held that :-

*"11. XXX. In that view of the matter, we find that the challenge raised over the constitutionality of Regulations 114 (a) of the Regulations canvassed by the applicant on the basis of the decisions rendered by the Tribunal with respect to similar Regulations of Army and Naval Forces and also that of the Apex Court is meritless and not applicable to the present case where the applicant has been found to be not entitled to condone the shortfall of the period except to the extent of three days after his release and before joining the B.S.N.L. The applicant has a short fall of 8 months and one day and the condonation if possible restricted to three days would have not value. Even assuming that the fresh employment of the applicant after release from his previous Air Force service is not a pensionable service, still, where a release had been obtained voluntarily before completion of the qualifying service to take up the fresh employment, the period of service rendered under the new employer cannot be condoned under Regulation 114 of the Regulations. That Regulation speaks of only three classes of disqualification is no ground to hold that in all other cases the Air Force service personnel can claim condonation in short fall upto a period of one year as of right. It is totally inequitable and unreasonable to condone the short fall in service where the service personnel who seeks for such condonation had left voluntarily at his own request to take up a fresh employment and he is profitably employed under the new employer during the period of condonation applied for.*

12. A service personnel who is short of qualifying service upto the period of one year can seek condonation of deficiency in his service to make him eligible to get his service pension under Regulation 114 of the Regulations does not postulate that it has to be granted unless it comes under the exceptions covered by the Regulations. On the contrary, a discretion vests with the competent authority over the grant of condonation of short fall in service and, no doubt, such discretion has to be exercised soundly analyzing the merit of the case. Condonation of short fall in service upto one year is not absolute is evidently clear from the Regulation where it is explicitly stated that 'the claim may be condoned by a competent authority'. Though under Annexure A6 order the claim of the applicant for condonation of short fall has been rejected under Regulation 114 (a) of the Regulations on the ground that he was discharged at his own request, we are satisfied from the facts and circumstances presented in the case that no interference with such order is called for where it is established that the period of short fall sought to be condoned, except three days, he continued under the service of the new employer, B.S.N.L., enjoying all service benefits thereto. We find that the decision relied by the counsel, rendered under different facts and circumstances, have no bearing on the present case where the applicant left the service voluntarily and took up a fresh employment and the period of condonation applied for except three days he continued under the service of the second employer.

13. The challenge raised against Annexure A6 order declining condonation of short fall in qualifying service is turned down, and the application is dismissed".

#### Analysis and Order

19. We have heard both sides at length.

20. At the outset, the aspect of the jurisdiction of this Tribunal to hear a case pertaining to a DGQA employee is dealt with. The fact that the dispute is about his service rendered in the Indian Navy and not about his service in DGQA. This is squarely covered by Section 2 of the AFT Act which is reproduced below : -

"2. *Applicability of the Act. – (a) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).*

(2) *This Act shall also apply to retired personnel subject to the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters."*

21. The aspect of the applicant's plea to count his former Naval service towards his pensionable service in the DGQA as and when he retires from that organization is not being addressed by this Tribunal as neither has he made any

such plea form relief nor is the DGQA a respondent. Hence, this Tribunal is the appropriate Judicial Authority to hear this case which is solely with regard to condonation of shortfall in his Naval service towards pension from the Indian Navy.

22. It is evident that the applicant served in the Indian Navy for 14 years 3 months and 7 days. Due to his selection in the DGQA (Navy) through UPSC which is a higher post to fulfill a sanctioned post as well as his compelling family situation, he sought to be relieved from the Navy and joined his new assignment on the given date. Despite being fully aware of that he had not completed 15 years of service and knowing the applicability of Section 82 (a) of the Pension Regulations for Navy 1964 to his case, he joined his new assignment. He had applied for extension of joining time to enable him to complete 15 years of service, which was not accepted by the authorities concerned. Hence, he was compelled to take premature discharge due to the prevailing family situation and the fact, that he had got employment in a higher post within the MoD itself.

23. It is not understood as to why both the Branches being in the same Ministry, the applicant could not have been granted another 8 months and 7 days of regular service in the Indian Navy to earn his pension. We ask ourselves, if there was a state of emergency in the DGQA or such a shortage of staff that necessitated that applicant had to report immediately by foregoing the opportunity to earn his pension. Here, we note, that by not granting him this extension of joining date, the applicant not only lost out on his pension, but all other pensionary benefits as also his status as an Ex-servicemen and the continuation of medical benefits for the two handicapped elder sisters and his old and ailing mother through the Ex-servicemen Contributory Health Scheme (ECHS).

24. We have also noted with concern that the applicant was compelled to deposit a sum of Rs. 10,954/- towards his training expenses, and hence the Naval Authority should have considered the shortfall of service in granting pension as the applicant had paid all his dues to the Indian Navy, as demanded. Thus, the hide bound approach by the DGQA as well as the Naval Authorities in not considering his genuine problems is highly deplorable that too when he was both organisations are under the same Ministry i.e., Ministry of Defence. It is a normal human aspiration that all individuals seek a better standard of living by earning more salary and living a more prestigious and stable life. In the DGQA he would be serving upto the age of 60 years which is not in the case of Indian Navy/Air Force/Army. There was nothing wrong in the part of the applicant for seeking premature discharge after he had appeared and qualified in the UPSC examination by taking due permission from his superiors.

25. There should have been no doubt in the minds of the Respondents that the Para 82 (a) for the Pension Regulations 1964 of the Indian Navy has been struck down by the Hon'ble Supreme Court of India being violative of the Article 14 of the Constitution of India. They are also well aware that the Para 114 (a) of the Pension Regulations for the Indian Air Force and Para 125 (a) of the Indian Army Pension Regulations for the both dealing with the same provisions i.e., Non-Condonation of deficiency of service up to the one year in respect of service personnel proceeding of premature retirement/discharge have also been struck down as violative by the various Benches of the AFT.

26. The Respondents' contention about the AFT, Kochi Bench Order in OA 37/2015 does not hold in the light of the Judgments in Surinder Singh Parmar vs

UOI which was delivered by the Hon'ble Supreme Court of India (Supra) on 21.01.2015 and Judgment of Hon'ble High Court of Mumbai was taken note of and thus the AFT, Kochi Bench Judgment in OA 37/2015 is *in per incuriam*.

27. In the light of the above aspects, we are of the opinion that the short fall of 8 months and <sup>23.8m</sup>7 days of service for granting the service pension and other benefits to the applicant deserves to be condoned and is hereby condoned.

29. Accordingly, this application (O.A. – 20/2017) is allowed.

30. The respondents' are directed to grant the applicant service pension along with all other benefits applicable to an ex-servicemen. All benefits will be paid to the applicant within a period of 4 months from the date of receipt of this order, failing which 8% interest per annum will be calculated and paid to the applicant.

31. ' With the above directions, this O.A. (O.A. No.-20/2017) stands disposed of.

32. No order as to cost.

33. A plain copy of this order will be supplied to both the parties by the Tribunal Officer upon observing all usual formalities.

(LT GEN GAUTAM MOORTHY)  
MEMBER (ADMINISTRATIVE)

(JUSTICE INDIRA SHAH)  
MEMBER (JUDICIAL)