

**SEE RULE 102 (1)**

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

**ORIGINAL APPLICATION NO. – 38/2018**

**DATED : TWELFTH DAY OF OCTOBER, 2018**

**CORAM**

**HON'BLE DR. (MRS.) JUSTICE INDIRA SHAH, MEMBER (JUDICIAL)**  
**HON'BLE LT GEN GAUTAM MOORTHY, MEMBER (ADMINISTRATIVE)**

APPLICANT (S) : No.-42658379-H Ex-Hony Nb Sub  
Braja Kishore Singh  
Vill – Dhibri, PO – Sikariya, PS – Paliganj  
Dist – Patna (Bihar) at present  
At – Ramnagar Colony, Danapore  
PS/PS – Danapore, Dist – Patna (Bihar)  
PIN – 801 503

**Versus**

RESPONDENT (S) : (1) The Union of India, service through  
The Defence Secretary, Ministry of Defence  
South Block, New Delhi – 110 011

(2) The Secretary  
Department of Ex-servicemen Welfare &  
Pension  
Ministry of Defence, South Block,  
New Delhi – 110 011

(3) The Principal Controller of Defence Accounts  
(Pensions), Drapaudi Ghat, Allahabad  
(UP) – 211 001

(4) The Officer-in-Charge Records  
The Records, The Bihar Regiment  
Danapore Cantt, Patna (Bihar)  
PIN – 801 503

Counsel for the applicant (s) : Mr. Bisikesan Pradhan

Counsel for the Respondent (s) : Mrs. Hema Mukherjee

**ORDER****PER LT GEN GAUTAM MOORTHY, MEMBER (ADMINISTRATIVE)**

1. This case has been filed Under Section 14 of Armed Forces Tribunal Act, 2007 for Fixation of Pay in the rank of Hony Nb Sub who retired as Havildar. The applicant was enrolled in the Indian Army on 22 March, 1979 as a General Duty Soldier under Bihar Regiment and was discharged from the Army on 31.03.2004 after having rendered 26 years and 10 days of colour service in the rank of Havildar. On the occasion of Independence Day on 15<sup>th</sup> August, 2005, he was awarded the Hony rank of Nb Sub. Till date no monetary benefit has been granted to him despite his approach to the OIC Records and PCDA (P), Allahabad.

2. The issue of grant of pension in the rank of Hony Nb Sub to the personnel who were discharged as Havildar is no longer res-integra. In view of the catena of judgements, Govt of India, Ministry of Defence, Department of Ex-servicemen Welfare, D (Pension/Legal) letter vide F. No. 3(8)/2013/D (Pensions/Legal) dated 30<sup>th</sup> October, 2017 also extended this benefit with regard to the pension of Hony Nb Sub to those Havildars who were discharged pre 2006, from 01.01.2006 onwards.

3. Hence, there is no requirement of calling for the Respondents to file any Affidavit-in-Opposition.

4. The applicant is entitled to the revised pension w.e.f. 01.01.2006. Therefore, his pension is to be revised by the Respondents within a period of 3 months from the date of receipt of this order, failing which a simple interest @ 8% per annum to be paid to the applicant till the date of realization.

5. It is also made clear that an amount of Rs. 100/- per month which was already paid to the applicant in terms of Govt. of India, Ministry of Defence letter dt. 06.11.1991 shall be adjusted against the amount due to the applicant as per this order and the said amount of Rs. 100/- per month as paid shall be discontinued.
6. Accordingly, the application is allowed with the directions as above.
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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