

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

6

OA 1157/2023 with MA 1788/2023

Sub/M Tech (RADAR)
Ramesh Kumar (Retd) & Ors. Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Prashant Negi, proxy for
Mr. S S Pandey, Advocate
For Respondents : Mr. V Pattabhi Ram, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
03.05.2023

The applicant vide the present OA makes the following prayers:-

- (a) *Call for the records based on which the Respondents have denied Applicant the last increment for the period of 01.07.2020 to 30.06.2021 including all benefits, DA, gratuity, leave encashment which is required to be paid on the basis of last drawn pay and thereafter quash any such order.*
- (b) *Direct the Respondents to grant necessary sanction to pay the last increment as applicable to the Applicant and re-calculate and fix the pension, including all benefits, DA, gratuity, leave encashment along with arrears along with interest @ 18 percent.*
- (c) *Pass any other order/orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case.*

MA 1788/2023 has been filed along with the OA 1157/2023 on behalf of the applicants 1 to 7 seeking to join together, in as much as, they seek to assail the very similar cause of action as each one of them prays for the grant of 01 Notional Increment to all of them with effect from 01.07.2021 for the purpose of pensionary benefits, in as much as, they have all since retired on 30.06.2021.

2. In as much as all the applicants appear to be represented as per record by the same counsel with similar cause of action, the prayer made by the applicants 1 to 7 vide MA 1788/2023 is allowed in the interest of justice.

3. The applicants seek to submit that in terms of the orders dated 11.04.2023 of the Hon'ble Supreme Court in Civil Appeal No. 2471 of 2023 titled as *The Director (Admn. & HR) KPTCL & Ors* versus *C.P. Mundinamani & Ors*, the prayer made by the applicants has essentially to be accepted in view of the factum that vide the verdict of the Hon'ble Supreme Court, as observed vide paragraph 6.6 thereof, the view of verdicts of the Hon'ble High Court of Madras in the case of *P. Ayyamperumal* vs *UOI & Ors.*, of the Delhi High Court in *Gopal Singh*, the Allahabad High Court in the case of *Nand Vijay Singh*, the Madhya Pradesh High Court in the case of *Yogendra Singh Bhadauria*, the Orissa High Court in the case of *AFR Arun Kumar Biswal*, and the Gujarat High Court in the case of

Takhatsinh Udesinh Songara, having all been approved as being the correct view and thus OA be allowed forthwith.

4. It is essential to observe that vide order dated 17.03.2023 in SLP(C) No. 4722 of 2021 the order of the Hon'ble Armed Forces Tribunal, Lucknow in relation to a similar issue stands stayed by the orders of the Hon'ble Supreme Court, in view thereof, in the interest of justice, re-list on **25.08.2023**.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

AP/YG