

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

35.

MA 2892/2023 in OA 2535/2022

Sub/Clk Jagdish Singh (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Bikrama Sah, Advocate
For Respondents : Mr. Rajan Khosla, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
22.12.2023

Inter alia contending that an order passed by this Tribunal in OA 2535/2022 has not been complied with, this application for execution was filed. In OA 2535/2022, following the principles laid down by a Coordinate bench of this Tribunal in the case of **Sub M.L. Shrivastava and Ors Vs. Union of India [O.A No. 1182 of 2018]** decided on 03.09.2021. On the very first day without notice to the respondents, the application was disposed off and the respondents were directed to grant to the applicant the most beneficial option and fixes his pay. Now respondents have produced before us a detailed order passed wherein it is the case of the respondents that the most beneficial option as per the law laid down in the case of ***ML Srivastava*** has been paid. Learned counsel for the

applicant disputes the aforesaid and wants to demonstrate in these proceedings that the most beneficial option has not been granted. If that be so, the applicant is to challenge the same in accordance with law where the issue can be adjudicated. As the original application was disposed off without notice to the respondents and now the respondents have come out with various issues as to whether the reasons are germane in accordance with law cannot be decided in an execution proceedings, the applicant is granted liberty to challenge the action in accordance with law.

With the aforesaid, the application stands disposed off.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

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