

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

43.

RA 29/2022 IN OA 1944/2019

Nb Sub Manoj Kumar	Applicant
VERSUS		
Union of India and Ors.	Respondents

For Applicant	:	Mr. Manoj Kr Gupta, Advocate
For Respondents	:	Mr. K K Tyagi, Advocate

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**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN P.M. HARIZ, MEMBER (A)**

**ORDER
29.08.2022**

1. OA 1944/ 2019 was originally filed by the applicant being aggrieved on not being promoted to the rank of Nb Sub in spite of his meeting all the qualification criteria and his discharge having been issued with effect from 29.02.2020.
2. The matter was examined in details and vide our Order dated 11th July, 2022 the OA was allowed and the respondents were directed to:-

'17 (a) Notionally promote the applicant to the rank of Nb Sub with effect from 01.05.2018.

(b) Grant all pensionary benefits in the rank of Nb Sub on his superannuation on 29.02.2020 (AN). The Applicant will however, be not entitled to any back wages for this period."

3. RA 29/2022 has now been filed seeking a review of our Order dated 11th July, 2022 with the prayer that the applicant be granted the pay and allowances of a Nb Sub from 01.05.2018; the date of his notional promotion. The Counsel for the applicant stated that since the applicant had been granted MACP III, he was in effect already drawing the pay of a Nb Sub and that the applicant does not get any benefit if his pay as Nb Sub is fixed only from 29.02.2020.

4. Since the matter pertains to the 7th CPC regime, respondents are directed to file an affidavit within four weeks with the following details obtained from PAO (OR) EME and objections, if any :-

(a) Pay of the applicant as on 01.05.2018.

(b) Details of MACP/ financial upgradation including increment granted and paid to the applicant in the period 01.05.2018 to 29.02.2020.

(c) Basic pay fixed originally in 2020 on retirement in the rank of Hav and the admissible pension. A copy of the PPO be attached.

(d) In the light of our Order dated 11th July, 2022, details of basic pay of the applicant in the rank of Nb Sub as on 29.02.2020 for fixing pension.

5. List the matter again on 7th October, 2022.

(RAJENDRA MENON)
CHAIRPERSON

(P.M. HARIZ)
MEMBER (A)

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