

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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MA 2795/2023 in OA 1781/2020

Col. Jitendra Kumar Chaurasia(Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr SS Pandey, Advocate
For Respondents : Mr Prabodh Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT. GEN. P.M.HARIZ, MEMBER (A)

ORDER
06.11.2023

MA 2795/2023

Vide the present MA, the applicant makes the following
prayers:

“(a) Allow the present application for modification/clarification in the order dated 30.05.2023 by replacing the date of promotion to Lt.Col. mentioned in clause(a) Para 9 of the said Order from Dec.2004 to 15.07.2002 as mentioned in the Original Application and direct the respondents to grant the applicant his due relief of re-fixing of his pay and subsequent pension that is most beneficial to him.”

2. Vide order dated 30.05.2023 in OA 1781/2020, it was directed as under:

- (a) Review the pay fixed of the applicant on promotion to the rank of Lt.Col. in December, 2004 under the 5th CPC and after due verification re-fix his pay in a manner that is most beneficial to the applicant.
- (b) Re-fix the applicant's pay on transition into 6th CPC and subsequent promotion with the most beneficial option,

while ensuring that the applicant does not draw less pay than his junior.

- (c) Re-fix the applicant's pay on transition into 7th CPC and retirement accordingly.
- (d) Issue fresh PPO and pay the arrears within three months from the date of this order and submit a compliance report.

3. As brought forth through the counter affidavit dated 05.03.2021 filed by the respondents, it is categorically brought forth in Para 1 thereof, that the date of promotion of the applicant in the rank of Major is 15.06.1997 and the date of promotion in the rank of Lt.Col. is 15.07.2002 and it is thus apparent that the mentioning of the date of promotion of the applicant in para 9(a) of the order dated 30.05.2023 as December, 2004 is erroneous and is required to be rectified and is thus rectified and is directed to be read as 15.07.2002 in place of December, 2004 and the order dated 30.05.2023 is thus directed to be read as such.

4. The MA stands disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT. GEN. P.M.HARIZ)
MEMBER (A)

CHANANA