

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

4.
MA 2514/2023 with MA 2515/2023 in OA 1677/2021

UOI & Ors	Applicants
VERSUS		
Col. Sanjeev Tyagi(Retd)	Respondent

For Applicants	:	Ms. Barkha Babbar, Advocate
For Respondent	:	Mr Prashant Negi, proxy for Mr. S S Pandey, Advocate

CORAM

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

**ORDER
21.08.2023**

The OA 1677/2021 was disposed of vide order dated 30.05.2023 and the following directions were given to the respondents:

- (a) Review the pay fixed of the applicant on promotion to the rank of Lt.Col. in Dec. 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.

2. The matter has been taken up on MA 2514/2023 filed on behalf of the respondents seeking leave to appeal to the Hon'ble Supreme Court submitting to the effect that essential questions of

law of general public importance are involved in the matter. Inter alia, relief is sought on behalf of the respondents in view of the observations of first sentence of Para 8 of the said order which read to the effect:

*“It is evident from the above details that there indeed is a financial **advantage** to the applicant had his pay on promotion in Dec. 2004 been fixed from the date of his next increment in the first half of 2005.”*

3. As regards the reliance that has been placed on Para 8 adverted to hereinabove, it is essential to observe that there is typographical error in the first sentence of para 8 with regard to the use of the word *advantage* which is to be read as *disadvantage*. Rest of the contents of the order dated 30.05.2023 shall remain the same.

4. As regards the contention raised on behalf of the respondents that question of law of general public importance is involved in the matter. As held by the Hon’ble Supreme Court in I.A. No. 1/2016 in Civil Appeal D. NO. 14214 OF 2016- *Ex. LAC Yogesh Pathania Vs Union of India & Ors* and in *Purushottam Das Dalmia Vs The State of West Bengal* in CA No.51 of 1959 though the matter in relation to pension for a applicant would no doubt be of great importance to him, but certainly there is no question of any general public importance nor issue of any general public importance involved.

5. The MA 2514/2023 filed under Section 31 of the Armed Forces Tribunal Act, 2007 for grant of leave to appeal to the Hon'ble Supreme Court seeking to assail the order dated 30.05.2023 in OA 1677/2021 is thus declined.

6. The MA thus stands disposed of.

7. A copy of this order be given Dasti to the respondents.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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

CHANANA