

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

62.

OA 1703/2019

Hav M Kumar	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Virender Singh Kadian, Advocate
For Respondents	:	Mr. Arvind Patel, Advocate

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

**ORDER  
31.08.2023**

Vide notification No. 2(25)/2013/AFT/PB/Adm-1 dated 29.08.2023, 30.08.2023 having been declared a holiday, the matter is taken today.

2. On behalf of the respondents it has been submitted that the part II order has since been cancelled vide EME Records Part II Order No. 1/2601/0010/2020 dated 04.08.2020, copy of the said document be placed on record by the respondents with a copy being supplied to the applicant through counsel.

3. On behalf of the respondents time is sought to submit a copy of an order of the Tribunal to contend to the effect that pay and allowances have been allowed to be granted only from the date of physical assumption of the post concerned and not on the basis of antedate seniority. The respondents also seek to place on record the policy in relation thereto.

4. Both the copy of the order relied upon and the policy relied upon be placed on record by the respondents with a copy being supplied to the applicant through counsel before the next date of hearing.
5. Re-list the matter on **31.10.2023** as **Part Heard**.
6. Copy of the order be given **DASTI** as prayed.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

sp/nmk