

**COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

3.

OA 989/2018

Ex Hav(Hony Nb Sub) Janak

Singh Dhami

:Applicant

Versus

Union of India and Others

:Respondents

For Applicant

: Mr. VS Kadian Adv

For Respondents

: Ms Jyotsana Kaushik, Adv

CORAM:

HON'BLE MR JUSTICE VK SHALI, MEMBER (J)

HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER

25.05.2018

1. The contention of the learned counsel for the applicant is that the applicant superannuated on 31.01.1999 and was conferred Hony Rank of Nb Subedar on 26.01.2000. He was getting Rs.100/- in his pensionary benefits which has been stopped by the respondents on implementation of the recommendations of 6th Central Pay Commission w.e.f. 01.01.2006, without extending the provisions of the recommendations of the 6th Central Pay Commission wherein his notional pay is to be fixed in the scale of Nb Subedar and consequently revision of the pensionary benefit has not been carried out. It has been stated by the learned counsel for the respondents that the said benefit may not be accrued to the

applicant on account of the fact that he is pre 01.01.2006 retiree.

2. Prima facie, we feel the stand of the respondents is illogical and they cannot stop the pensionary benefits without ameliorating the applicant with the beneficial provisions to be extended to the applicant, more so when they have stopped his existing benefits of Rs.100/- which he was getting as Hony Rank of Nb Subedar having been conferred on him.

3. Issue notice to the respondents.

4. Ms Jyotsana Kaushik, Advocate appearing on behalf of the respondents, accepts notice.

5. Let reply affidavit on behalf of the respondents be filed within four weeks with advance copy to the learned counsel for the applicant. Rejoinder, if any, may be filed within two weeks thereafter.

6. List the matter before the Principal Registrar for completion of pleadings on **21.08.2018**.

(JUSTICE V.K. SHALI)
MEMBER (J)

(LT GEN PHILIP CAMPOSE)
MEMBER (A)