

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

77.

RA 33/2024 with MA 3011/2024 in OA 1197/2023

Union of India & Ors.	Applicant
Versus		
MWO (HFO) Shivadhar Singh (Retd)	Respondents
For Applicant	:	Mr. K K Tyagi, Advocate
For Respondents	:	Mr. Tatsat Shukla, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R
23.08.2024

RA 33/2024 with MA 3011/2024

This application has been filed by the Union of India seeking review/recall of the order passed on 8th May, 2023 in OA 1197/2023. In the said OA the applicant had sought annual notional increment for the service rendered by him and for refixation of the pension. Based on the judgments rendered by the Hon'ble High Court of Madras in the case of *P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal, Madras Bench and Ors.* (WP No.15732/2017) decided on 15.09.2017 and by the Central Administrative Tribunal in various cases so also the order passed by of the Armed Forces Tribunal, Regional Bench, Lucknow in *Ex HFL Sarvesh Kumar Vs. Union of India and Ors.* (OA 366/2022)

decided on 12.08.2021, the application was disposed of on the very first date without notice to the respondents directing the respondents to issue a fresh PPO to the applicant by granting one notional increment to him, as directed. Now in this review application, respondents have come out with a plea that the applicant is not entitled to grant of annual notional increment on account of the fact that he got promotion to the rank of HFO/HFL.

2. Taking note of the aforesaid, and considering the fact that the OA was disposed of without notice to the respondents and subsequently after passing of the said order, this Tribunal has been granting liberty in all such cases to the respondents to pass a speaking order in case on verification they find that the applicant is not entitled to the notional increment, we allow this application and modify our order in OA to the following extent:-

“Para 5(e) In case, for any reason, official respondents find that the applicant is not entitled to the benefit of annual increment liberty shall be available to them with further notice to the applicant and if required pass a speaking order in the matter of grant of increment. In case the applicant is still aggrieved with the order passed, he may take legal recourse in accordance with law.”

3. Condoning the delay in filing review application, with the aforesaid modification, RA 33/2024 with MA 3011/2024 stands disposed of. Respondents to take action within a period of three months from today.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]
MEMBER (A)**

**Priya
RA 33/2024**