

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

32.

MA 5164/2024 IN RA 57/2016 IN OA 365/2010

Nb Ris Vijay Kumar Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Ms. Archana Ramesh, Advocate
For Respondents : Mr. Y P Singh, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
13.12.2024

MA 5164/2024

Seeking review and grant of certain consequential benefits to the applicant while deciding RA No.57/2016 vide order passed on 02.09.2024, this application has been filed.

2. It is the case of the applicant that Para 9(ii) of the order passed on 02.09.2024 be modified to the extent that the applicant will be entitled to the consequential benefit and deemed to have been granted notional extension of service from the date of retirement as a Risaldar (Ris) for two years.

3. Inviting our attention to the tabulated chart and the findings recorded in Para 5 of the order dated 02.09.2024, it is stated that this Tribunal having found that the applicant, namely, Nb Ris Vijay Kumar Singh, should have been promoted against the second vacancy w.e.f. 30.04.2009 and

would have colour service of 28 years up to 30.06.2011 and also two years of extension as a SHAPE-1 JCO he will have service till 30.06.2013. It is submitted that consequential benefit for deemed to have served on extension of service for two years notionally after the date of retirement, i.e., 30.06.2011, should be incorporated into the order.

4. We have heard learned counsel for the parties at length and find that even though the applicant is found to be entitled to be promoted as Ris w.e.f. 30.04.2009 qua the second vacancy which was available and by virtue of which his colour service would be of 28 years which would come to an end on 30.06.2011 and he would have been entitled to two years extension of service till 30.06.2013, we are of the considered view that for the extended period of two years as the applicant has not physically discharged any service, he would only be entitled to notional pay fixation for this period for the purpose of calculating pensionary benefit and nothing more. The period of service rendered on extension for two years between 01.07.2011 to 30.06.2013, shall be treated on the principle of no work and no wages.

5. Apart from the aforesaid modification in Para 9(ii), no further modification or review is called for.

6. Accordingly, the MA is disposed of having been accepted/modified to the extent indicated hereinabove stated.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

**Neha
MA 5164/2024**