

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

25.

OA 580/2024

Sgt Sandeep Dagar (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Tatsat Shukla, Advocate
For Respondents : Mr. Waize Ali Noor, Advocate

CORAM

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

ORDER
16.02.2024

This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant, who is a serving Gp Capt and is aggrieved by the incorrect pay fixation in 6th CPC resulting in continuous financial loss and disadvantage including on transition to 7th CPC in 2016, seeking the following reliefs:

- (a) To direct the respondents to rectify basic pay fixation anomaly in salary of the applicant by re-fixing his basic pay as per the most beneficial option to applicant on implementation of 6th CPC and subsequent, on the principles affirmed by Hon'ble Tribunal in OA 1182/2018, Sub Mahendra Lal Shrivastava vs Union of India & Ors.
- (b) To direct the respondents to make payment of arrears of salary accrue to him on re-fixation of his basic pay in

accordance with most beneficial option, on the principles affirmed by Hon'ble Tribunal in OA No. 1182/2018, Sub Mahendra Lal Shrivastava Vs Union of India & Ors .

(c) To direct the respondents to pay 12% interest per annum on the arrears of payment on Re-fixation of basic pay.

(d) To pass any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper anytime during the proceedings of this case.

2. The issue raised in this application is squarely covered by our judgment dated 8th July, 2022 passed in OA 1923/2017 in the case of Wg Cdr Bharat Malik Vs. Union of India and Ors.

3. In the light of the above, we therefore, allow this OA and direct the Respondents to:-

(a) Review the pay fixed of the applicant on promotion to the rank of LAC in 01.02.2006 under the 6th 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 in subsequent ranks and on transition into 7th CPC as on 01.01.2016, in the most beneficial manner, while ensuring

that the applicant is not drawing less pay than his juniors.

(c) Pay the arrears within three months of this Order and submit a compliance report.

4. No order as to costs.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

Ps
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