

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

57.

MA 2896/2024 IN OA 2188/2024

Sgt Mukesh Kumar (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Dhiraj Kumar, Advocate
For Respondents : Mr. Sarvan Kumar, Advocate

CORAM

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

ORDER
26.07.2024

MA 2896/2024

This application has been filed under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008, seeking withdrawal of OA 2188/2024.

2. A perusal of the pleadings and the records indicates that the applicant is praying for re-fixation of his pay in the 6th Pay Commission in accordance to the best option available without submitting the option and claiming relief in accordance to the law laid down by this Tribunal in the case of *Sub M.L. Shrivastava and Ors* Vs. *Union of India* [OA No.1182/2018 decided on 03.09.2021].

3. The applicant had filed OA 2188/2024 and on the very first day when it came for admission as has been done in

large number of cases, the OA was allowed on 12.07.2024, however, it did not transpire that even before filing of the said application, i.e., OA 2188/2024, the applicant had earlier filed OA 2161/2024 claiming the same relief and the said application, i.e., OA 2161/2024 was allowed by this Tribunal on 10.07.2024, as a consequence for the same relief, the same applicant had filed two cases and got orders in both the cases.

4. In view of the above, the order passed on 12.07.2024 in OA 2188/2024, *Sgt Mukesh Kuamr (Retd)* Vs. *Union of India & Ors.*, is recalled and the said application, i.e., OA 2188/2024 is dismissed as withdrawn.

5. Accordingly, the MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Neha
MA 2896/2024