

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

26.

OA 1819/2024 with MA 2312/2024

HFL Surinder Mohan Vig (Retd) & Ors. Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

O R D E R

29.05.2024

OA 1819/2024 WITH MA 2312/2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, thirty one applicants have filed this OA and the prayer made therein reads as under:

- (a) *To call the records.*
- (b) *Direct the respondents to revise and refix pay/pension of the Hony Lt, Captains and their counter parts of Air Force and Navy (Applicants) in the ratio on the higher side at par with Regular/Commissioned Major (Rs.11600-325-14850) as per 5th CPC and enhance and revise as per 6th CPC, OPOP and 7th CPC and release them all the benefits accordingly retrospectively and from their date of retirement.*
- (c) *Direct the respondents to enhance and revise the pension of the Hony Lieutenants, (applicants) and maintain the difference of 3% (Lower) in basic from the basic pay of Hony Captains and similar to their counter parts of Air Force and Navy."*

2. Primarily, the applicants are aggrieved by the pay fixation carried out in pursuance to the recommendations of the 3rd Pay Commission in the cadre of Hony Lt and Hony Captains. The applicants are comparing the pay fixation done between Hony Captains and Hony Lts and regular Captains and regular Lts and are praying for the relief as indicated in the OA.

3. The applicants have retired from service long back and the recommendations of the 3rd CPC came way back in the year 1970-1980. After the 3rd Pay Commission four more Pay Commissions, i.e., 4th CPC, 5th CPC, 6th CPC and 7th CPC have been enforced and now the time for creation of 8th CPC has come. There is an inordinate delay in the applicants' approaching this Tribunal. The anomalies in the 3rd CPC cannot be resolved by this Tribunal in view of the delay caused by the applicants. The record indicates that 3rd CPC recommendations were implemented on 1.1.1976 and thereafter four CPCs came into force, so on and so forth, and, therefore, after more than forty years, we are not inclined to reconsider the pay fixation done based on the 3rd CPC recommendations. Merely because the applicants have submitted representation to the authorities some time in December, 2012 and the respondents have forwarded the representation for consideration to the Competent Authority, we cannot condone the inordinate delay and laches in filing of this OA jointly by thirty one applicants after such a long period of time and settle the principles and reopen and analyse after such an inordinate delay.

4. Accordingly, finding the claim of the applicants to be wholly barred by principles of delay and laches, the OA is dismissed.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

/vks/