

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

31.

OA 2886/2023 WITH MA 4004/2023

Cdr Rewant Kumar (Retd) **Applicant**
VERSUS
Union of India and Ors. **Respondents**

For Applicant : Mr. Rajat, proxy counsel for
Mr. Ajit Kakkar, Advocate
For Respondents : Mr. S.K. Behra, PO (GW)

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
22.09.2023

MA 4004/2023

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1317 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of **UoI & Ors Vs Tarsem Singh 2009(1)AISLJ 371** and in **Ex Sep Chain Singh Vs Union of India & Ors (Civil Appeal No. 30073/2017** and the reasons mentioned in the application, the MA 4004/2023 is allowed and the delay of 1317 days in filing the OA 2886/2023 is thus condoned.

2. The MA is disposed of accordingly.

OA 2886/2023

3. The Applicant vide the present OA makes the following prayers:-

- (i) *To direct the respondents to bring all documents on record based on which the pay was not fixed to his advantage at par with his batch mates.*
- (ii) *To direct the respondents to step up and re-fix the pay of the applicant at par with his coursemates.*
- (iii) *To direct the respondents to accordingly re-fix and step up the pension of the applicant at par with his coursemates w.e.f. 11.03.2017 retirement date (10.03.2017) after the pay is refixed.*
- (iv) *To direct the respondents to resolve the issue of the anomaly in the pension, because of which the applicant is drawing less pension as compared to his course mates.*
- (v) *To direct the respondents to comply with the orders of the Hon'ble Tribunal in Lt Col Karan Dusad v. Union of India & Ors. O.A No. 868 of 2020 by fixing and resolving the pay anomalies of all three services.*
- (vi) *To direct the respondents to pay 12% interest on the arrears accrued to the applicant.*
- (vii) *To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.*

4. Notice thereof is issued and accepted on behalf of the respondents. The counter affidavit be filed by the respondents within a period of four weeks. Rejoinder, thereto, if any, be filed by the applicant within a period of four weeks thereafter.

5. List the matter before the Principal Registrar on 01.12.2023 for completion of pleadings and before the Bench thereafter.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)