

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

7.

MA 3459/2023 WITH MA 2983/2024 IN OA 653/2023

Ex Hav Ram Prakash Singh ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. A.K. Choudhary, Advocate for  
Mr. Bikrama Sah, Advocate

For Respondents : Ms. Sheetal Raghuvanshi, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R  
05.09.2024

MA 3459/2023

In terms of the judgment passed in the OA, the respondents have filed the compliance report and have also brought on record the PPO issued after fixing the pay of the applicant based on the best option available for him.

2. The applicant has now filed objections indicating that his pay has not been fixed in accordance with the benefits granted to his immediate junior, namely, Ev Hav/Hony Nb Sub Mithilesh Kumar Shah, who is drawing higher pay than the applicant. The applicant contends that the pay fixation order has not been complied with and compares his pay fixation with that of the junior.

3. *Prima facie*, we are of the considered view that vide order dated 16.03.2023 the OA No. 653/2023 was disposed

of by us on the very first day without notice or any opportunity to the respondents to file objections. We directed the respondents to grant benefit to the applicant based on the law laid down in the case of *Sub M.L. Shrivastava and Ors* Vs. *Union of India* [O.A No.1182 of 2018] decided on 03.09.2021. The respondents were also directed to fix the applicant's pay based on the best option available, even though he had not submitted any option.

4. The respondents have complied with the directions. Therefore, we are of the view that stepping up of pay of the applicant and seeking a pay comparison with his junior cannot be permitted at this stage of execution of the order. Such a prayer introduces a new cause of action which should be addressed in accordance with law before an appropriate forum.

5. However, faced with the above, the learned proxy counsel prays for time to seek instructions. Prayer allowed.

6. List again on 16.10.2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)