

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

50.

MA 2373/2024 IN OA 2957/2023

Nb Sub Ramesh Kumar Dhaka (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Bikrama Sah, Advocate
For Respondents : Mr. Kumar Gaurav, Advocate

CORAM

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

ORDER
27.09.2024

MA 2373/2024

Seeking execution of an order passed in OA 2957/2023 on 04.10.2023, this application has been filed. On 04.10.2023, keeping in view the law laid down by the Hon'ble Supreme Court in the case of Director (Admn. And HR) KPTCL and Others Vs. C.P. Mundinamani and Others [(2023) SCC Online SC 401] Civil Appeal No.2471 of 2023 decided on 11.04.2023, we had directed the respondents to consider and decide the applicant's representation within a period of three months. The applicant's counsel forwarded a copy of the order to the respondents along with claim of the applicant on 21.10.2023 and when within three months the representation was not considered, this application has been filed. It is stated by the respondents that the representation of the applicant is under

consideration and action would be taken. However, now in view of the changed circumstances, on the applicant's filing a certified copy of this order, the respondents are directed to pay to the applicant the increment due to him as directed in the case of Director (Admn. And HR) KPTCL and Others Vs. C.P. Mundinamani and Others [(2023) SCC Online SC 401] Civil Appeal No.2471 of 2023 decided on 11.04.2023. However, we find from the records that the applicant retired on 30.06.2023 and the increment was due on 01.07.2023. It has come to our notice that very recently, on 06.09.2024, Hon'ble Supreme Court has passed an interim direction in the case of Union of India & Anr Vs. M. Siddaraj, SLP (C) No. 4722 of 2021), with regard to payment of arrears etc. and same reads as under:-:-

“(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.

(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.

(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

(d) In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petitions and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed.”

2. Respondents to implement the directions issued in the case of Director (Admn. And HR) KPTCL and Others Vs. C.P.

Mundinamani and Others [(2023) SCC Online SC 401] Civil Appeal No.2471 of 2023 in case of the applicant and further directions of judgment given in the case of *Union of India & Anr* Vs. *M. Siddaraj, SLP (C) No. 4722 of 2021* w.e.f. 01.07.2023. Two months time is granted to the respondents to implement the orders.

3. MA stands disposed of.

4. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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