

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

56.

MA 4229/2024 IN OA 2798/2022

JWO Manoj Kumar Sinha (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Kritendra Tiwari, Advocate
For Respondents : Mr. Arvind Patel, Advocate

CORAM

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

ORDER
27.09.2024

MA 4229/2024

This application has been filed for early hearing of OA 2798/2022. Keeping in view the short question involved in the matter, we allow this application and direct for listing of OA 2798/2022 in the supplementary list for disposal.

2. MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Priya

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

1. (Supplementary list 2)

OA 2798/2022

JWO Manoj Kumar Sinha (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Kritendra Tiwari, Advocate

For Respondents : Mr. Arvind Patel, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

27.09.2024

OA 2798/2022

Invoking the jurisdiction of this Tribunal, the applicant has filed this application and the relief claimed in para 8 reads as under:-

“(a) Pass an order directing the respondents to consider and re-fix basic pay/pay in band of the applicant as Rs. 46200/- w.e.f. 01 Jul 2017 or from the date on which junior was getting higher pay than applicant and pay arrears of difference in salary accordingly with 12% annual interest till the payment is made.

(b) Pass an order directing the respondents to consider and re-fix pension of the applicant @ 31,700/- per month or more on the basis of his increased payment at par with his junior with all consequential benefits.

(c) To pass such further order or orders/Directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”

2. Respondents have filed a detailed counter affidavit and in para 5 have given the comparative pay statement of the applicant with regard to fixation of his pay in the grade of JWO in January, 2017. It is indicated that as the option was not submitted

by the applicant, therefore, his pay has not been fixed. However, in para 4.4, the respondents have given reasons with regard to claim of the applicant in the matter of anomaly in his pay to that of his junior (JWO P. Srinivas) and have indicated that the pay of the applicant cannot be stepped up in comparison to the junior on account of the aforesaid reason. Learned counsel for the applicant submits that the applicant is not comparing his pay with that of his junior, he would be satisfied if his case be decided based on the law laid down in the case of *Sub M.L Shrivastava and Ors. Vs. Union of India and Ors. (O.A No. 1182 of 2018) decided on 03.09.2021.* The respondents are directed to consider the case of the applicant for grant of best option available and take a decision. We consider the aforesaid prayer and direct the respondents to evaluate the case of the applicant within three months after verifying all the records in the backdrop of the decision in the case of Sub M. L. Shrivastava (Supra) and grant benefit else it would be incumbent upon the respondents to show cause as to why the best option available cannot be granted to him.

3. OA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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