

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

23.

MA 5115/2023 in MA 3420/2023 in OA 1262/2023

HFL Nirmal Kumar (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Kritendra Tiwari, Advocate
For Respondents : Ms. Barkha Babbar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
12.09.2024

Seeking execution of an order passed by this Tribunal on 23.08.2023 in OA No. 1262/2023, which was passed on modification of the original order dated 12.05.2023 in OA 1262/2023, this application has been filed for execution. While disposing of OA 1262/2023, on 23.08.2023, we had directed the respondents to grant the benefit of payment of notional increment to the applicant in accordance to the law laid down by the Hon'ble Supreme Court in the case of *(The Director (Admn and HR) KPTCL and Ors. Vs. C.P. Mundinamani and Ors. (Civil Appeal No. 2471/2023)* decided on 11.04.2023, an option was also available to the respondents to pass appropriate orders in the matter, after verification in case they were of the view that the applicant is not entitled to the increment. Now respondents have produced before us a Speaking Order passed on 07.07.2024 wherein for reasons indicated in the said order the competent

authority has rejected the claim of the applicant for grant of notional increment. Considering the fact that the OA was decided without notice to the respondents on the very first date without hearing them. Now in the light of the Speaking Order passed by the respondents, we see no reason to proceed further in the execution matter instead to dispose it off with a liberty to the applicant to challenge the Speaking Order passed on 07.07.2024 in accordance with law before an appropriate forum.

‘DASTI’.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

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