

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

26.

MA 1956/2023 IN OA 1637/2021

Ex Sgt Dinesh Singh Minhas & Ors Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC

CORAM

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

O R D E R
03.03.2025

MA 1956/2023

Respondents are directed to settle the claim of the applicant now in the light of the order passed by the Hon'ble Supreme Court on 06.09.2024 and clause (d) thereof further modified on 20.02.2025 in MA Diary No. 2400/2024 in Civil Appeal No. 3933/2023 titled Union of India & Anr. Vs. M. Siddaraj which reads thus:-

“(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 filed an application for intervention/impleadment/writ petition/original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/impleadment/writ petition/original application was filed.

2. Respondents should take note of the directions contained in Clauses (a), (b), (c) and (d) of the aforesaid order passed by the Hon'ble Supreme Court and ensure that the benefit to 31 applicants who are entitled to the same and whose applications were filed well before 11.04.2023 is decided strictly as directed by the Hon'ble Supreme Court and submit a report to this Tribunal within a period of six weeks. As regards the remaining 01 applicant who is held to be not entitled to the benefit claimed is concerned, the respondents are directed to produce the speaking order on the next date of hearing.

3. List again on **23.04.2025**.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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