

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

64.

MA 3290/2023 IN OA 928/2015

Ex Hav (Clerk/SD) Tein Singh Dahiya	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC

CORAM

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

ORDER
22.05.2025

MA 3290/2023

It is common ground and accepted by Mr. S.S. Pandey, learned counsel for the applicant, that all benefits by virtue of the order passed on 22nd September, 2022 in the OA have been granted to the applicant and nothing further remains in the matter for adjudication. However, he points out that in the PPO the rank and designation of the applicant is shown as Havildar whereas it should be shown as Sub Maj and non indication of the correct rank in the PPO will have adverse effect on certain other benefits to be received by the applicant. Though MA No.4672/2024 has already been disposed of vide order dated 25.10.2024 and today we are only dealing with MA 3290/2023. We take up the matter in light of the oral submissions made by Mr. S.S. Pandey qua to use of designation/rank "Sub Maj" by the applicant in all official documents which has not been granted by

the respondents while learned counsel has fairly stated that the financial benefits have been granted to the applicant as per MACP-III.

2. We have perused the judgment of this Tribunal dated 22nd September, 2022 in OA 928/2015, paras 11 to 14 of which are extracted as under:

“11. During the course of the final hearing, the Learned Counsel vehemently highlighted the grave injustice meted out to his client wherein he quoted provisions of extant policy which clearly stipulates that three up-gradations are applicable to Direct Entry Havildars and the same was denied on specious grounds. He further contended that the ACP Scheme was applicable only for up-gradation to the rank of Naik and Havildar and even these two up-gradations were denied to his client. When the Learned Counsel was asked by the Tribunal whether a Direct Entry Havildar can be denied three up-gradations as mandated in the MACP Scheme, he conceded that the benefit of the MACP Scheme is applicable in this case.

12. It is clear that the Applicant, being a direct entry Havildar, having been reinstated in service notionally with all consequential benefits and having served till 31.10.2011, has already completed 24 years 7 months and 22 days at the time of retirement. Hence, it is abundantly clear that the Applicant is entitled for all benefits of MACP and financial up-gradations and the rank of Subedar Major w.e.f. 09.03.2011 till 31.10.2011 and pension subsequently in the rank of Subedar Major.

13. We have observed an element of recalcitrance in following the Orders of the Hon’ble Court in this case and hence the Respondents are directed to comply with this Order within 12 weeks of receipt of the same failing which a punitive cost of Rs. 50,000/- will be imposed.

14. The OA is disposed off accordingly. The connected MA, if any, also stands disposed off. “

3. While perusing the above order, we have encountered certain ambiguity in interpretation of this order in terms of grant of financial benefit of MACP III in grade of Sub Maj or physical

designation as Sub Maj in all his record and accordingly, we consider it essential to take up the matter for clarification.

4. Accordingly, the matter be placed before the Hon'ble Chairperson for orders on the administrative side.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

/vks/