

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

13.

MA 1531/2024 in OA 1948/2021

Col Ashwani Thakur ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. S S Pandey, Advocate with  
Ms. Ayushi Mishra, Advocate  
For Respondents : Mr. Satya Ranjan Swain, Advocate with  
Mr. Ankush Kapoor Advocate and  
Maj A R Subhramaniam, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER  
04.07.2024

The applicant filed the present MA 1531/2024 for implementation of the order dated 30.05.2023 in OA 1948/2021 whereby vide para 9 thereof it was directed to the effect:-

*“9. In the light of the above consideration, the OA is allowed. We find that the applicant is entitled to the relief as under and we, therefore, direct the Respondents to:*

*(a) Review the pay fixed of the applicant on promotion to the rank of Lt Col in Dec 2004 under the 5th CPC and after due verification re-fix his pay in a manner that is most beneficial to the applicant.*

*(b) Re-fix the applicant's pay on transition into 6th CPC and subsequent promotion with the most beneficial option, while ensuring that the applicant does not draw less pay than his junior.*

*(c) Re-fix the applicant's pay on transition into 7th CPC and retirement accordingly.*

*(d) Issue fresh PPO and pay the arrears within three months from the date of this Order and submit a compliance report.”*

2. On 18.04.2024 whilst accepting notice of the application, the respondents sought time to file the compliance report within a period of four weeks.

3. On behalf of the respondents has been submitted a copy of order dated 01.05.2024 of the Hon'ble High Court of Delhi in WP (C) 5477/2024 tilted as *UOI & Ors vs Col Rajesh Suredia (Retd)* to submit to the effect that a writ petition on a similar issue has been filed. It is essential to observe that vide para 3 of the order dated 01.05.2024 in WP (C) 5477/2024 it has been observed to the effect:-

*“3. There is no denial to the fact and also contended by the learned counsel for the respondent that three judgments of which reference has been made by the learned Tribunal on similar issue have been implemented by the petitioners. Learned counsel for the respondent also submits that even leave to appeal sought by the petitioners under Section 31 of the AFT Act has already been rejected. Hence, it is not known why the present petition has been filed by the petitioners challenging the impugned order dated 24.08.2022.”*

which indicates that no notice was also issued for that case.

4. The proceedings of WP (C) 5477/2024 are stated to have been re-notified for the date 14.08.2024 vide order dated 29.05.2024.

5. In view thereof, in the event of there being no stay order of the operation of the directions dated 30.05.2023 in OA 1948/2021 being placed on the record for the next date of hearing, the affidavit of compliance for the said directions with the demand draft of a sum of ₹ 75,000/- in the name of the

applicant towards payment of costs be placed on the record by the respondents for the next date of hearing

6. Certain internal letters dated 14.05.2024 no. 3547/6917/HC/LC and 14.06.2024 no. 3547/Misc/HC/LC have been submitted by the respondents which are taken on record.

7. Re-list the matter on **27.08.2024**.

8. Copy of this order be given ***DASTI***.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(LT GEN P. M. HARIZ)  
MEMBER (A)

AP