

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

2.

MA 3421/2023 in OA 1519/2022

Sub Maj (Hony Capt)

Umesh Chandra Barman Retd

..... Applicant

Versus

Union of India & Ors.

..... Respondents

With

3.

MA 3449/2024 in OA 1519/2022

Sub Maj (Hony Capt)

Umesh Chandra Barman Retd

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. S S Pandey, Advocate

For Respondents : Mr. Sundeep Kumar, Advocate

CORAM

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

O R D E R
19.09.2024

MA 3449/2024 in OA 1519/2022

This application has been filed by the respondents under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008 seeking modification in the order passed on 28.11.2022 in OA 1519/2022. It is stated that on scrutiny of the above mentioned order, it was observed that Hon'ble Court have directed to re-fix the applicant's pay on his promotion to Nb Sub (wef 01. Feb 2006) in the 6th CPC, whereas the applicant was promoted to Sub rank on 01 Oct 2008, and if the individual's pay is re-fixed in sub rank (wef 01 Oct 2008), it will be most beneficial to him and therefore

prayed for modification of Para 5(a) of the said order dated 28.11.2022.

We have examined the issue in question and we find that there is merit in the MA 3449/2024. Accordingly, we allow the application and direct to modify Para 5(a) of the order dated 28.11.2022 to read as under:-

“Review the pay fixed of the applicant on his promotion to the rank of Sub in the 6th CPC and after due verification, re-fix his pay in a manner that is most beneficial to him.”

MA 3421/2023 in OA 1519/2022

In view of the order passed today in MA 3449/2024 modifying the order passed in OA 1519/2022, respondents are granted four weeks' time to comply with the directions issued in OA No. 1519/2022 on 28.11.2022 as modified by this order within four weeks and a compliance report be filed within four weeks.

List the matter on 28.10.2024.

‘DASTI’

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

/sm/