

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

55.

MA 2726/2024 in OA 3383/2023

Ex MACP NK Mukesh Kumar Tiwary Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. Aseem Kumar Sahay, Advocate

CORAM

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

O R D E R
04.03.2025

MA 2726/2024

This application has been filed for execution of an order passed in OA 3383/2023 on 01.11.2023 in the matter of grant of increment to the applicant. We had disposed of the application by an order passed on 01.11.2023 and while doing so we had taken note of various orders passed by the Hon'ble Supreme Court. 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 wherein the following directions have been issued:-

“(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. In view of the above, the original order passed on 01.11.2023 by this Tribunal in OA 3383/2023/2023 is to be disposed of in terms of the directions issued by the Hon'ble Supreme Court as detailed hereinabove. Accordingly, we dispose of the matter with directions to the respondents to implement the orders as directed by the Hon'ble Supreme Court in the order passed on 20.02.2025 within a period of two months. With the aforesaid the MA stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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