

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

34.

MA 3869/2023 in OA 1606/2019

AVM Ashok Kumar Sharma (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Baljeet Singh, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate
: Mr. Ram Ranjan Singh, AAO, JCDA (AF)

CORAM

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

ORDER
13.12.2023

MA 3869/2023

In pursuance to the order passed on 20th November, 2023, representative of the JCDA (AF) Subroto Park is present.

2. Respondents inform us that after dismissal of the Special leave Petition, a Review Petition titled Union of India and Ors. Vs. Ex HFL Sarvesh Kumar (Dy No.13931/2023) is pending before the Hon'ble Supreme Court. We are not impressed by the pendency of this matter for the simple reason that the Hon'ble Supreme Court by a detailed order passed in Civil Appeal No. 2471 of 2023 decided on 11.04.2023 titled as Director (Admn. And HR) KPTCL and Others Vs. C.P. Muddinamani and Others (2023) SCC Online SC 401 has settled the law and has directed grant of one notional increment. We have simply followed the law laid down by the Hon'ble Supreme Court and

the Madras High Court in the matter of *P.Ayyamaperumal Vs. The Registrar, Central Administrative Tribunal, Madras Bench and Ors.* (WP No.15732/2017) decided on 15th September, 2017 in the present case. Merely, because in one of the cases, i.e., *Ex HFL Sarvesh Kumar Vs. Union of India and Ors.* decided by Armed Forces Tribunal Regional Bench, Lucknow, a review petition is pending before the Hon'ble Supreme Court, that will not be a reason for the respondents not to implement the orders passed by this Tribunal.

3. We, therefore, direct the respondents to provisionally implement the orders passed by this Tribunal within four weeks and submit a compliance report subject to whatever decision is taken in the Review Petition by the Hon'ble Supreme Court.

4. List the matter again on 20th February, 2024.

5. Let a copy of this order be provided DFASTI to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/vks/