

**COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

27.

OA 636/2017

Ex Hav. Brahampal Singh : **Applicant**
Versus
Union of India and Others : **Respondents**

For Applicant : Mr. Ajit Kakkar, Adv
For Respondents : Dr V S Mahndiyar, Advocate

CORAM:

HON'BLE MR JUSTICE VK SHALI, MEMBER (J)
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)

ORDER
21.05.2018

1. It is not in dispute that the applicant who had enrolled into the Army on 22.04.1981, had been promoted to Substantive Rank of Havildar w.e.f. 03.05.1999 and superannuated from Army service w.e.f. 31.03.2007. Learned counsel for the respondents has stated that the applicant was required to have a minimum of 8 years of service in the last rank before he can be given the higher pay scale under MACP scheme. Since the applicant falls short of mandatory 8 years of service, he may not be entitled to the said benefits.

2. We find that this stand was not taken by the learned counsel for the respondents in the counter affidavit. However, the respondents should first check their record so as to verify the date of promotion of the applicant to the

rank of Havildar. The respondents are free to file reply accordingly by way of an additional affidavit within four weeks, with advance copy to the learned counsel for the applicant. Rejoinder, if any, may be filed within two weeks thereafter.

3. List the matter on **19.07.2018**.

(JUSTICE V.K. SHALI)
MEMBER (J)

(LT GEN PHILIP CAMPOSE)
MEMBER (A)

21.05.2018/chanana