

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

118.

OA 257/2023

Ex Sep Mahavir Prasad Pateer Applicant
Versus
Union of India & Ors. Respondents
For Applicant : Mr. J P Sharma, Advocate
For Respondents : Ms. Sheetal Raghuvanshi, Advocate

CORAM

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

O R D E R
13.11.2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA and claims the grant of the 2nd MACP in the grade pay of Rs. 2800/- instead of Rs. 2000/- w.e.f. 01.01.2006 to 31.08.2008.

2. Upon notice being issued, Respondents No. 1, 2, and 3 filed a counter affidavit on 14.10.2024 and in Para 4(c) of the same the following assertions are made by the respondents:-

4 (c) In accordance, Army Medical Corps Record Office vide letter No. 501032/NE MACP/Legal/2023 dated 13.02.2023 has already processed LPC-cum-date sheet alongwith sheet roll and other connected documents to Office of the PCDA (P) Allahabad for early issuance of corrigendum PPO an releasing of MACP benefits as applicable to the petitioner. The process will take few months as the multiple agencies are involved to release monetary benefits to the affected personnel.

3. From the aforesaid, it is evident that the Army Medical Corps Record Office vide their communication dated 13.02.2023 processed the claim of the applicant along with the sheet roll and other connected documents forwarded to the office of the PCDA (P), Allahabad for issuance of the corrigendum PPO and for the release of the MACP benefits to the applicant.

4. However, more than a year has been passed, it is stated that the PCDA (P), Allahabad has not issued the corrigendum PPO. Furthermore, the applicant did not serve a copy of the OA while filing the same to the Respondent No.4, namely, the Office of the PCDA (P), Draupadi Ghat Allahabad (UP) - 211014 nor did the official Respondents No.1 to 3 serve a copy of the counter affidavit to Respondent No. 4. This has occurred in several cases and as a result the Hon'ble Chairperson issued an administrative order stating that in all cases filed before the Armed Forces Tribunal, Principal Bench, New Delhi, where PCDA (P), Allahabad or any other Pension Paying Authority is a party, the copy of the application and the counter affidavit must be served on the Pension Payment Authority. Based on these instructions, the PCDA (P), Allahabad has deputed an officer to be present in the Court premises of the Armed Forces Tribunal, Principal Bench, New

Delhi, and has been allotted space for sitting. All parties have been directed that before filing any pleadings where PCDA (P), Allahabad is a party, they must serve a copy of the pleadings on the officer present in the Court premises.

5. It seems that this practice has not been followed in this case. Therefore, the Joint Registrar (Judicial) of the Armed Forces Tribunal, Principal Bench, New Delhi is directed to take note of this and ensure that whenever an OA or counter affidavit is filed where PCDA (P) is a party and a copy of the same has not been served upon them, the matter will be placed in default/ defects and will not be listed for orders for admission.

6. In the present case, we direct that a copy of the counter affidavit be served on the officer of the PCDA (P), Allahabad, during the course of the day who may seek instructions in the matter.

7. List again on 02.01.2025.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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