

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

26.

MA 789/2024 in OA 2096/2021

Col Digvijay Singh ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Ms. Ayushi Mishra, proxy for  
Mr. S S Pandey, Advocate  
For Respondents : Mr. Arvind Kumar, Advocate  
Capt Akanksha Singhal, OIC Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
04.09.2024

It is submitted on behalf of the respondents that the compliance of directions dated 30.05.2023 in OA 2096/2021 and the payment of costs as imposed vide order dated 15.05.2024 is under process. It is essential to observe that vide order dated 14.08.2024 in Writ Petition (C) 5477/2024 of the Hon'ble High Court of Delhi, it has been observed to the effect:-

*“1. The present writ petition under Article 226 of the Constitution of India has been filed assailing the order dated 24.08.2022 passed by the learned Armed Forces Tribunal [Tribunal] in O. A. No. 2857/2021. 2. Vide the impugned order, the learned Tribunal has allowed the O.A with the following directions to the petitioners:-*

*“15. In the light of the above consideration, we find that the applicant prima facie has a case and the balance of convenience too is in his favour. We therefore, allow the OA and direct the Respondents to*

*(a) Review the pay fixed of the applicant on promotion to the rank of Lt Col in Dec 2004 under the 5th CPC and*

*after due verification re-fix his pay in a manner that is most beneficial to the applicant.*

*(b) Re-fix the applicants' pay on transition into 6th CPC with the most beneficial option, while ensuring that the applicants do not draw less pay than their juniors.*

*(c) Re-fix the applicants' pay on transition to 7th CPC and subsequent promotion and retirement accordingly.*

*(d) All pending similar cases pertaining to pay fixation on promotion in 5th CPC with the most beneficial option be similarly reviewed and pay refixed.*

*(e) Pay the arrears within three months of this Order and submit a compliance report.”*

*3. After detailed arguments, learned counsel for the petitioners submits that taking into account that the directions issued by the learned Tribunal for reviewing the pay fixation qua all similarly placed persons as the respondents would involve examining of voluminous record, the exercise to comply with paragraph 15(d) of the order is likely to take at least further six weeks' time.*

*4. In the light of this explanation given by the petitioners, we grant further six weeks' time to the petitioners to comply with the directions issued in the impugned order.*

*5. The writ petition is accordingly disposed of in the aforesaid terms.”*

2. It is submitted on behalf of the respondents that the implementation of the order dated 24.08.2022 in OA 2857/2021 is under process.

3. The matter be re-notified on 13.11.2024.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)