

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

10.

MA 1563/2023 IN OA 2579/2022

Dfr Rajpal (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Manoj Kumar Gupta, Advocate  
For Respondents : Mr. Mohit Kumar Singh, Advocate

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

ORDER  
10.10.2025

MA 1563/2023

This is a glaring case which indicates an act of the part of the Pay and Accounts Office to somehow circumvent the orders of this Tribunal. Even after repeated chances being given, they have never appeared before us and have not explained the position in accordance to the orders passed on various dates.

2. The OA was decided by an order passed on 16.11.2022, i.e., about three years back. Thereafter, this application has been filed and it is pending since 21.04.2023. More than 24 opportunities were granted to the respondents and they did not comply with the order passed by this Tribunal. After granting various opportunities, when nothing was done, on 15.05.2025, we passed a detailed

order directing the Officer-in-Charge, Pay and Accounts Office (OR), Armed Corps, Ahilyanagar, Maharashtra, to appear. He gave an undertaking and, therefore, his appearance on 15.05.2025 was dispensed with. Thereafter, the PPO was to be issued by the PCDA (P), Prayagraj. The PCDA (P), Prayagraj, took some time and on 22.08.2025, we were informed that even after granting one notional increment to the applicant, there is no difference in his pay scale and, therefore, nothing remains to be done. We passed a detailed order on 22.08.2025 directing the authorities to clarify before us as to how the action has been taken and we also indicated that we will be taking coercive action including reference of the matter to the Hon'ble Chief Justice of the Hon'ble Delhi High Court for taking contempt of court action. We directed the authorities to appear before us and explain before us on affidavit or through record as to on what basis they say that even after grant of notional increment, there is no difference in the pay fixation to grant further pensionary benefit to the applicant. However, instead of appearing personally and explaining the quires made by this Tribunal on 22.08.2025, the officers from the Pay and Accounts Office filed an application seeking exemption from personal appearance. This said application

was rejected on 11.09.2025 and they were directed to appear personally. In spite of the same, the Officer-in-Charge of the Records Office did not appear before this Tribunal instead Mr. Sanjeev Kumar Dwivedi, Sr. Accounts Officer, PAD, ACR, Ahmednagar and Maj G.S. Rathore, AC, Records, Ahmednagar, appeared on 19.09.2025. In Para 2 and 3 of order dated 19.09.2025, we directed them to clarify the position and produce the entire calculations and demonstrate before us through data sheet as to how they say that in spite of the order passed by this Tribunal directing grant of one notional increment to the applicant for the period of service rendered from 01.07.2007 to 30.06.2008, there will be no difference in the PBOR and pensionary benefit payable to the applicant. Instead of filing the calculation sheets and other documents on affidavit as directed by the Tribunal on the last date, a communication has been made by the Office of the PAO(ORs) ACR, Ahmednagar on 07.10.2025 to the Office of PCDA, 6<sup>th</sup> Floor 'A' Block Defence Office Complex, Africa Avenue Marg, New Delhi-110023 through the Officer-in-Charge, Legal Cell and in the said communication the followings assertions are made:

*“After implementation of PBOR Pay rules 2017, his pay was revised to 35400 in level 6 after multiplication of revised pay by a fitment factor of 2.57 i.e.  $9570+4200=13770*2.57=35388.9/-$ , which was*

*less than min. of pay level 6. Hence his pay has been fixed at min. of pay level 6 i.e 35400/-.*

*It is seen that notional pay of applicant before consideration of notional increment and after consideration of notional increment is same i.e 35,400/- (w.e.f 01/01/2016).”*

3. We are unable to accept the aforesaid contention and the calculation made. We find that the Office of the PAO(ORs) ACR, Ahmednagar, is not appearing personally before this Tribunal. In spite of repeated opportunities being granted, he is not present along with the records and calculation sheet as directed. Even on two occasions when he was directed to appear, he filed an application for exemption and then sent an officer, the officer was explained everything and he was directed to explain the position. In spite thereof, today, we stand where we were two years back and find that the office of the PAO(ORs) ACR, Ahmednagar, is not cooperating in the matter, he is also not appearing before this Tribunal and not assisting this Tribunal in disposal of the matter.

4. In view of the above, we direct for personal appearance of PAO(ORs) ACR, Ahmednagar or an officer authorised by him to appear before this Tribunal along with all relevant materials and calculation, etc. The Joint Registrar (Judicial) is

directed to issue notice to ensure that the Officer is present before this Tribunal on 27.11.2025.

5. List the matter on 27.11.2025.

6. A copy of this order be provided ***DASTI*** to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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MA 1563/2023