

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

10.

MA 1520/2024 in OA 1895/2021

Col Ruchir K Vora Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Maj A R Subramaniam, OIC Legal

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN P. M HARIZ, MEMBER (A)

ORDER
30.05.2024

The applicant vide the present application filed on 09.04.2024 seeks compliance of directions dated 30.05.2023 in OA 1895/2021 whereby vide Para 9 thereof, it was directed to the effect :-

“(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 applicant's pay on transition into 6th CPC and subsequent promotion with the most beneficial option, while ensuring that the applicant does not draw less pay than his junior.

(c) Re-fix the applicant's pay on transition into 7th CPC and retirement accordingly.

(d) Issue fresh PPO and pay the arrears within three months from the date of this Order and submit a compliance report.”

2. Pursuant thereto, the respondents vide MA 3461/2023 whereby sought grant of leave to appeal alongwith MA 3461/2023 seeking leave to appeal against the said order which was expressly declined in terms of Section 31(1) of the AFT Act, 2007.

3. The respondents now submit in a similar matter a writ has been filed assailing the order in the case of *Union of India & Ors. vs. Col Rajesh Suredia (Retd.)* in OA 2857/2021 there has been notice issued. It is essential to observe that vide order dated 01.05.2024 in WP(C) 5477/2024 it has been observed vide para 3 thereof, to the effect :-

“3. There is no denial to the fact and also contended by the learned counsel for the respondent that three judgments of which reference has been made by the learned Tribunal on similar issue have been implemented by the petitioner. Learned Counsel for the respondent also submits that even leave to appeal sought by the petitioners under Section 31 of the AFT Act has already been rejected. Hence, it is not know why the present petition has been filed by the petitioners challenging the impugned order dated 24.08.2022.”,

which thus indicates that no notice of the said Writ Petition was also issued.

4. In view thereof, in the event of there being no stay order of the operation of the order of which implementation is sought vide

the present MA 1520/2024 being placed on the record by the respondents for the next date of hearing, the affidavit of compliance of the said directions with the demand draft for a sum of Rs. 50,000 in the name of the applicant towards payment of costs be placed on the records by the respondents..

5. The matter be re-notified for hearing on **03.10.2024**.
6. Copy of this order be given ***DASTI*** as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P. M HARIZ)
MEMBER (A)

Yogita