

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

124.

OA 263/2022 with MA 3830/2024

Lt Col Ram Shiromani Singh (Retd)		Applicant
Versus		
Union of India & Ors.		Respondents
For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr. Anil Gautam Sr CGSC, Advocate

CORAM

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

O R D E R
09.12.2024

The matter has been listed for final hearing today. Having heard Shri S.S. Pandey, learned counsel for the applicant to some extent, we find that a consolidated counter affidavit has been filed on behalf of learned counsel for the respondents by Shri Anil Gautam, Sr. CGSC. However, the specific issue with regard to as to why the DA cannot be granted to the applicant on his contractual appointment has not been clarified by the Pension Payment Authority i.e. Respondent No.3. The case of Shri S.S. Pandey is that the applicant is not an employee who has been re-employed. He has been appointed on contract basis and therefore, he is entitled to DA on such employment and further he has given examples of employees working with him in the same hospital who are getting DA.

2. In view of the averments made by specific submissions by the learned counsel for the applicant during the course of hearing, we find it necessary that respondent No.3, who is a party before us, namely, the PCDA(P), Allahabad should file counter affidavit to show cause as to why the applicant cannot be granted DA particularly, in view of the provisions indicated to us by Shri S.S. Pandey, learned counsel for the applicant in Annexure A-12 dated 08.06.2022 in para 2. Sh. S. S. Pandey, learned counsel for the applicant is requested to supply a copy of the OA along with the annexures to Shri Rakesh Kumar, Sr. Auditor, PCDA(P), Allahabad, who is present in the court and on the same being done Shri Rakesh Kumar, Sr. Auditor PCDA(P), Allahabad shall seek instructions and file a reply counter affidavit signed by the competent authority within three weeks.
3. List the matter in the category 'Pt. Heard' for further hearing before the same bench on 13.01.2025.
4. Let a copy of this order be given ***DASTI*** to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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