

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

48.

MA 4149/2023 in OA 390/2021

Ex WO Pradip Kumar & Ors Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Rohit Pratap, Advocate
For Respondents : Mr. Vijendra Singh Mahndiyan, Advocate

CORAM

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

O R D E R
04.09.2024

Having considered the submissions made by the learned counsel on 30.07.2024, we direct that in case out of the 37 applicants, any of the applicants are not entitled to the benefit of increment as directed by us in the original order passed in OA No. 390/2021 then liberty shall be available to the respondents to scrutinize the case, evaluate the reason and if for any reason they feel that any of the applicant is not entitled to the benefit of notional increment, the reasons and the evaluation made by the respondents can be communicated to the applicant and for the said purpose it is not necessary to file a Review Application. Inadvertently, in the order passed in OA 390/2021 this liberty has not been extended to the applicant whereas in all other cases which

we are now allowing in the matter of grant of notional increment without notice to the respondents such a liberty is being granted. Therefore, in view of the facts that have come on record, the original order passed in OA 390/2021 is suo moto modified by us in the following manner.

Out of the 37 applicants, such of the applicants to whom the benefit can be granted, the same should be granted by the applicants within four weeks and in such cases where the benefit cannot be granted, the respondents are free to record reasons for the same and communicate it to the applicants and thereafter liberty shall be available to the applicants to challenge the same in accordance with law. We direct for complying with the aforesaid modified direction within four weeks.

List the matter on 16.10.2024.

‘DASTI’.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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