

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

11.

OA 2679/2025

Hav Rajesh Singh (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Rajkumar, proxy for
Mr. Nawneet Krishna Mishra, Advocate
For Respondents : Ms. Shagun Shahi Chugh, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN CP MOHANTY, MEMBER (A)

ORDER
02.09.2025

The applicant vide the present OA makes the following prayers:

*“(a) To issue/pass an order or direction to the Respondents to grant the third financial up-gradation of Nb Sub grade under Modified Assured Career Progression (MACP) Scheme with effect from dated 25 Sep 2024 with all consequential benefits.
(b) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case.”*

2. Notice of the OA is issued and accepted on behalf of the respondents. The pleadings in the matter are directed to be completed by either side within a period of three months. The matter be listed before the Joint Registrar for completion of pleadings on 12.09.2025

3. However, in view of the impugned order placed on record at page-20 which states to the effect:-

“It is intimated that you were enrolled in to the Army on 26 Sep 2000 and discharged from service on 30 Sep 2024(AN) on completion of 23 yrs, 10 months and 21 days service. On scrutiny of service document it is found that you are not eligible for MACP Nb Sub as you have been absence without leave for the period wef 05 May 2010 to 16 Jun 2010(total 43 days) and not completed 24 yrs continuous service due to 43 days non qualifying service.”

4. It appears *prima facie* that the applicant has been found to be not eligible for MACP Nb Sub as he had been absent without leave for the period wef 05.05.2010 to 16.06.2010 i.e. a total period of 43 days and had not completed 24 years of continuous service with there being 43 days of non qualifying service. The said issue of condonation of shortfall of the length of qualifying service is *subjudice* before the Larger Bench in OA 2679/2021. The matter be renotified by the Registry after disposal of the said issue by the Larger Bench.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN CP MOHANTY)
MEMBER (A)