

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

40.

OA 3297/2023

Hav Karm Singh (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. U S Maurya, Advocate  
For Respondents : Mr. Waize Ali Noor, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R  
19.03.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and claimed the following benefits.

- (a) Direction to the respondent to grant the service benefits of Modified Assured Career Progression Scheme of the rank of **Nb Sub of Rs. 4,200/- Grade Pay** with effect from **30.04.2008** (on completion of 24 years) and after that pensionary benefits of **Nb Sub Grade Pay** as applicant served more than **24 years** of continuous regular service (24 years and 1 day) with all consequential benefits with interest @ 12% per annum till its actual payment and applicant case is squarely covered and is no more **res integra** in the case of **Union of India & Ors. Vs. Balbir Singh Turn & Anr. Civil Appeal Diary No. 3744 of 2016** where

25 more Civil Appeals were tagged **judgment dated 08.12.2017**. Based on the above judgment, respondents circulated letter dated 25.07.2018 (**Annexure A-6**) and 10-08-2018 (**Annexure A-7**) for grant of MACPS wef 01-01-2006.

- (b) Direction to the respondent to omit/delete the words **continuous regular** which arbitrary added in para 2 of Ministry of Defence letter dated 30.05.2011 (**Annexure A-6**), which is contrary to the condition set out as in Gazette and Policy as mentioned in (**Annexure A-4 & 5**) of present OA as word is only **service** not words **continuous regular service**.
- (c) The applicant be granted any other relief which this Hon'ble Tribunal may deem appropriate, just and proper in the interest of justice and in the facts and circumstances of the case.
- (d) Award cost of the OA to the applicant.

2. On notice being issued, respondents have filed their counter affidavit and indicate that the benefit of MACP as claimed for by the applicant has been granted and necessary PPO revising his pension has also been provided to him. They have brought on record PPO bearing No. 19520700464 suffix No 0109 dated 31 Mar 2022 indicating the same when the matter is for consideration.

3. Today learned counsel for the applicant points even though the PPO has been issued and the MACP benefit granted to the applicant by virtue of the PPO have not been credited to his account.
4. Taking note of the aforesaid, we issue notice to PCDA (P) Allahabad, Mr. Shashi Kumar, Sr. Auditor represented PCDA is present in the Tribunal today.
5. A copy of PPO be served on to Shri Shashi Kumar, Sr. Auditor PCDA, who may seek instructions in the matter and inform us as to why the amount has not been credited if not already done. Four weeks' time granted.
6. A copy of this order be provided DASTI to learned counsel for both the parties.
7. Re-list on **30.04.2025**.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[MS. RASIKA CHAUBE]  
MEMBER (A)**

**/JYOTI**