

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

36.

MA 3910/2024 in OA 2024/2020

Col Devavrat Chhikara (Retd) Applicant
VERSUS Respondents
Union of India and Ors.
For Applicant : None
For Respondents : Mr. Anil Gautam Sr CGSC

CORAM

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)**

O R D E R
13.09.2024

The applicant vide the present MA 3910/2024 seeks implementation of the order dated 10.03.2024 in OA 2024/2020. Whilst accepting notice of the application, time is sought on behalf of the respondents for implementation of the same.

2. In view of the orders of the Hon'ble High Court of Delhi dated 14.08.2024 in Writ Petition (C) 5477/2024 whereby, it has been observed to the effect:~

“1. The present writ petition under Article 226 of the Constitution of India has been filed assailing the order dated 24.08.2022 passed by the learned Armed Forces Tribunal [Tribunal] in O. A. No. 2857/2021

2. Vide the impugned order, the learned Tribunal has allowed the O.A with the following directions to the petitioners:~

*“15. In the light of the above consideration, we find that the applicant *prima facie* has a case and the balance of*

convenience too is in his favour. We therefore, allow the OA and direct the Respondents to

(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 applicants' pay on transition into 6 CPC with the most beneficial option, while ensuring that the applicants do not draw less pay than their juniors.

(c) Re-fix the applicants' pay on transition to 7th CPC and subsequent promotion and retirement accordingly.

(d) All pending similar cases pertaining to pay fixation on promotion in 5th CPC with the most beneficial option he similarly reviewed and pay refixed.

(e) Pay the arrears within three months of this Order and submit a compliance report."

3. After detailed arguments, learned counsel for the petitioners submit that taking into account that the directions issued by the learned Tribunal for reviewing the pay fixation qua all similarly placed persons as the respondents would involve examining of voluminous record, the exercise to comply with paragraph 15(d) of the order is likely to take at least further six weeks, time.

4. In the light of this explanation given by the petitioners, we grant further six weeks' time to the petitioners to comply with the directions issued in the impugned order.

5. The writ petition is accordingly disposed of in the aforesaid terms,"

with the response therein in terms of submissions of Union of India and other petitioners there in Para 3 of the said order to the effect that the exercise to comply with the directions in Para 15 (d) of the order dated 24.08.2022 in OA 2857/2021 in relation to all similarly placed persons (which would include applicant in person, as the OA 2024/2020, would likely take a period of six weeks for completion thereof, with a period of 6 weeks granted

by the Hon'ble Division Bench of High Court of Delhi vide the order dated 14.08.2023 in W.P. (C) 5477/2024 reproduced hereinabove, the compliance report of directions dated 10.03.2023 in OA be placed on record by the respondents for the next date of hearing on **13.12.2024**.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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