

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

24.

OA 1786/2022

Sgt Krishna Kant Gupta Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

ORDER
26.08.2022

OA 1786/2022

The applicant, a serving Sgt, is aggrieved by the incorrect pay fixation under 6th CPC, which resulted in continuous financial loss and disadvantage, including on transition to 7th CPC.

The issue raised in this OA is squarely covered by the decision of this Tribunal dated 8th July, 2022 in the case of Wg Cdr Bharat Malik Vs. Union of India and Ors. (OA 1923/2017).

In the light of the orders passed in Wg Cdr Bharat Malik's (supra) case, we allow the present OA directing the respondents to verify and review the pay of the applicant on promotion to the rank of Cpl on 23rd December 2007 under

the 6th CPC and further on transition to 7th CPC in a most beneficial manner while ensuring that he is not drawing less pay than his juniors. Respondents are further directed to pay the arrears within three months of this order.

**(RAJENDRA MENON)
CHAIRPERSON**

**(P.M. HARIZ)
MEMBER (A)**

/vks/jyoti

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

11.

RA 10/2023 in MA 835/2023 in OA 1664/2022

UOI & Ors Applicant
Versus
Sgt Gaurav Pandey Respondents

For Applicant : Mr. Harish Vaidyanathan Shankar,
Advocate

For Respondents : Mr. Ajit Kakkar, Advocate

WITH

12.

RA 14/2023 with MA 934/2023 with OA 1788/2022

UOI & Ors Applicant
Versus
Sgt Shashikant Singh Respondents

For Applicant : Mr. R S Chillar, Advocate

For Respondents : Mr. Ajit Kakkar, Advocate

WITH

13.

RA 16/2023 with MA 1216/2023 with OA 1465/2022

UOI & Ors Applicant
Versus
Sgt Raju Kumar Singh Respondents

For Applicant : Mr. Y P Singh, Advocate

For Respondents : Mr. Ajit Kakkar, Advocate

WITH

14.

RA 18/2023 with MA 1918/2023 with OA 1786/2022

UOI & Ors Applicant
Versus
Sgt Krishna Kant Gupta Respondents

For Applicant : Mr. Rajeev Kumar, Advocate

For Respondents : Mr. Ajit Kakkar, Advocate

CORAM

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

ORDER
19.12.2023

These are four review applications filed by Union of India and it is the case of the Union of India in the review applications that by the orders passed by this Tribunal in OA 1664/2022 dated 03.08.2022, OA No. 1788/2022 dated 26.08.2022, OA 1465/2022 dated 15.07.2022 and OA 1786/2022 dated 26.08.2022 respectively following the principles laid down in Para 14 of the SAI 1/S/2008 dated 11.10.2008 and in the case of *Sub M. L. Shrivastava and others v. Union of India and others* (OA No. 1182 of 2018 decided on 03.09.2021), the Union of India has been directed to review the pay scale of the applicant under the 6th and 7th CPC, re-fix the same in the manner which is most beneficial to the applicant. It is the case of the Union of India that as the pay of the applicants have been already fixed in the most beneficial manner, the respondents seek review of the order and disposal of the original application. In our considered view, these review applications are misconceived and are not maintainable. The Directions issued by this Tribunal are to review the pay fixed in the most beneficial option if not already done. There was no directions to re-fix the pay. The only issue was if the pay has not been fixed in the most beneficial manner, the same has to be reviewed

meaning thereby that the pay is already fixed under the most beneficial clause then nothing further remains to be done.

2. In view of the above, it is not necessary to order for review/recall of the orders passed by us, on the contrary, respondents may communicate to each of the applicants in the OA indicating to them the manner in which their pay has been fixed and further inform them as to how this is the most beneficial manner in which the pay could be fixed i.e., respondents can communicate to the applicant the reasons for not taking any further action in the matter and inform them as to how and in what manner the pay in the most beneficial manner has been fixed. On receipt of this communication, in case, applicant has any grievance, they may represent to the department and the department may consider the same and take a final decision. If still aggrieved by the final decision, applicants can challenge the order. In our considered view, once this exercise is conducted, compliance of the order passed by us would be made and for this purpose, it is not necessary to review or recall the order.

3. Respondents are directed to convey to the applicant the manner in which their pay has been fixed and indicate to them that this is the most beneficial option and thereafter, it

is for the applicant to take action in case he has any grievance.

4. With the aforesaid, all the RAs & MAs stand disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT. GEN. P.M. HARIZ]
MEMBER (A)**

/jyoti/