

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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MA 2352/2023 in OA 980/2022

Wg Cdr D Sangeetha

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Ms. Ankita Patnaik, Advocate
For Respondents : Mr. Neeraj, Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE LT GEN P.M HARIZ, MEMBER (A)

ORDER

08.08.2023

MA 2352/2023

This application has been filed on behalf of the applicant under Rule 25 of the AFT (Procedure) Rules 2008 seeking deletion of the words "w.e.f. 09.07.2021" in Para-33 in the last sentence thereof which reads to the effect:-

"33. The period of absence of the applicant herein from service in the facts and circumstances of the instant case where the absence from service qua the applicant was due to wrongful application of policy by the respondents cannot be construed as a period of break in service as submitted on behalf of the respondents: The impugned communications dated 09.07.2021 and 21.02.2022 to the extent that they do not grant seniority to the applicant alongwith similarly situated batchmates are thus set aside and the respondents are directed to grant notional promotion to the applicant and fix her seniority along with similarly situated batchmates of the applicant w.e.f. 09.07.2021 with notional seniority and notional increment."

with it having been submitted on behalf of the applicant, that the seniority of the applicant has to be fixed with her batchmates since she joined the service.

2. Notice of the MA is issued and accepted on behalf of the respondents to not accord the prayer.

3. On a consideration of submissions on behalf of the applicant and on a perusal of the order dated 18.04.2023 in OA 980/2022 and the input thereof in the interest of justice, it is considered appropriate to delete the words "wef 09.07.2021" in the last sentence of Para-33, of the order dated 18.04.2023 in OA 980/2022 which now reads as under:

"33. The period of absence of the applicant herein from service in the facts and circumstances of the instant case where the absence from service qua the applicant was due to wrongful application of policy by the respondents cannot be construed as a period of break in service as submitted on behalf of the respondents: The impugned communications dated 09.07.2021 and 21.02.2022 to the extent that they do not grant seniority to the applicant alongwith similarly situated batchmates are thus set aside and the respondents are directed to grant notional promotion to the applicant and fix her seniority along with similarly situated batchmates of the applicant with notional seniority and notional increment."

4. The MA 2352/2023 thus stands disposed of.

5. Copy of this order be given *DASTI*.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P.M HARIZ)
MEMBER (A)