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

110.

OA 1462/2022 WITH MA 1897/2022 AND MA 2922/2022

Sub Maj Hony Lt Murlidhar Mishra (Retd) ... Applicant
Versus
Union of India & Ors. ... Respondents

For Applicant : Mr. U S Maurya, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM :

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

ORDER
27.09.2023

MA 2922/2022

Counter affidavit has been filed. There being some delay in filing the counter affidavit, this application has been filed seeking condonation of delay. Delay condoned. Counter affidavit is taken on record. MA stands disposed of.

MA 1897/2022

2. Keeping in view the averments made in the application and in the light of the decision in ***Union of India and others*** *Vs.* ***Tarsem Singh*** (2009(1) AISLJ 371), the delay in filing the OA is condoned.

3. MA stands disposed of.

OA 1462/2022

4. This application has been filed under Section 14 of Armed Forces Tribunal, Act, 2007 seeking grant of 2nd and 3rd MACP after completing 16 years of service.

5. On notice being issued respondents have filed the counter affidavit and in the counter affidavit in Para 8 the followings averments have been made by the respondents which read as under:

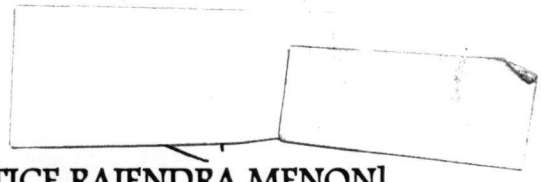
> *8. That in view of the above the applicant was eligible for 2nd MACP and 3rd MACP on completion of 16 years and 24 years of service, which was already published vide Arty Records ibid par II orders. Moreover, he was also granted service pension in the rank of Hony Lt (Pay Level 10) vide PCDA (P) Allahabad Corr PPO No. 153202009575 (Suffix No. 0101) dated 17.02.2021.*

6. From the aforesaid, it is clear that in principle respondents have accepted that the applicant is entitled for the benefit of 2nd and 3rd MACP and they have already published the part II Order as indicated in the aforesaid paragraph. However, with regard to grant of actual benefit to the applicant accruing by virtue of the action taken, certain difficulties have arisen on account of change of the computer system for payment and maintenance of record and therefore, respondents submit that they shall take steps for implementing the orders already passed, as indicating in Para 8 of the counter affidavit, and ensure that the benefits are conferred to the applicant within a period of six weeks from today.

7. In view of the above, we dispose of the matter directing the respondents to implement the decision taken and confer the benefit

to the applicant, as is indicated by them in Para 8 of the counter affidavit.

8. Accordingly, OA stands disposed of.



[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

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