

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

2.

MA 2928/2023 in OA 1035/2021

Maj Gen Patanjali Rahul
VERSUS
Union of India and Ors.

..... Applicant

..... Respondents

For Applicant : Mr. Prashant Negi, Proxy for
Mr. S S Pandey, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN P.M HARIZ, MEMBER (A)

ORDER
04.09.2023

MA 2928/2023 has been filed on behalf of the applicant seeking the correction of the date of promotion of the applicant mentioned as December 2004 Para 9(a) of the order dated 30.05.2023 in OA 1035/2021.

Notice of the said application is issued accepted on behalf of the respondents, the prayer is not approved on behalf of the respondents. Furthermore, the bare perusal of the counter affidavit dated 08.03.2022 filed on behalf of the respondents vide paragraph 9 thereof, indicates therein to the effect that the date of promotion of the applicant in the rank of Lieutenant Colonel was effect from 03.04.2003.

In view thereof, MA 2928/2023 is allowed and the date of promotion of the applicant mentioned as December 2004 in Para 9(a) of the order dated 30.05.2023 in OA 1035/2021 is rectified to read as 03.04.2003 in Para 9(a) which shall read to the effect:-

“9. In the light of the above consideration, the OA is allowed. We find that the applicant is entitled to the relief as under and we, therefore, direct the Respondents to:

(a) Review the pay fixed of the applicant on promotion to the rank of Lt Col in 03.04.2003 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 applicant's pay on transition into 6th CPC and subsequent promotion with the most beneficial option, while ensuring that the applicant does not draw less pay than his junior.”

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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

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