

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

3.

MA 3343/2023 in OA 2804/2021

IC 49696A Col Ranbir Singh Salaria Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Shreya Gulati, proxy for
Mr. SS Pandey, Advocate
For Respondents : Mr. Niranjana Das, Advocate

CORAM

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

ORDER
01.09.2023

MA 3343/2023 has been filed on behalf of the applicant seeking modification order dated 30.05.2023 in OA 2804/2021 submitting to the effect :-

"5. We have also examined numerous cases pertaining to the incorrect pay fixation in 6th CPC in respect of Officers/JCOS/ORS merely on the grounds of option not being exercised in the stipulated time or applicants not exercising the option at all, and have issued orders that in all these cases the petitioners' pay is to be re-fixed with the most beneficial option as stipulated in Para 12 of the SAI 2/8/2008 in respect of officers and Para 14 of the SAI 1/S/2008 in respect of JCO/OR, both dated 11.10.2008.

6. The matter of incorrect pay-fixation and providing the most beneficial option in the case of JCOS/ORS has been exhaustively examined in the case of Sub M.L.

Shrivastava and Ors Vs. Union of India [O.A No. 1182 of 2018] decided on 03.09.2021. Similarly, in the matter of incorrect pay fixation in the 7th CPC, the issue has been exhaustively examined in Sub Ramjeevan Kumar Singh Vs. Union of India (O.A. No.2000/2021] decided on 27.09.2021. In respect of officers, the cases pertaining to pay-anomaly have also been examined in detail by the Tribunal in the case of Lt Col Karan Dusad Vs. Union of India and others [O.A. No. 868 of 2020 and connected matters] decided on 05.08.2022.”

Notice thereof is issued to the respondents accepted on their behalf.

On a perusal of OA 2804/2021, and the fair non-opposition on behalf of the respondents to the prayer made vide the present MA 3343/2023 in as much as the applicant has apparently not retired, it is essential that his name mentioned in the order as Col Ranbir Singh Salaria (Retd.) be rectified to read as Col Ranbir Singh Salaria in as much as admittedly he still is in service and it is directed accordingly.

Furthermore, the date 11.03.1989 mentioned in Para 2 of page 4 of the order dated 30.05.2023 in OA 2804/2021 is rectified to read as 09.06.1990 which is the date of commissioning of the applicant. Furthermore, the last sentence in Para 2 on page 4 of the order which states to the effect “*The applicant retired from service w.e.f. 31.05.2022*” is directed to be deleted.

As regards the prayers made through the present MA in relation to Para 9(c) thereof whereby vide order dated 30.05.2023, it has been directed to the effect *"Re-fix the applicant's pay on transition into 7th CPC and retirement accordingly"* the same is modified to read as:-

"Re-fix the applicant's pay on transition into 7th CPC and subsequent promotions (if any), accordingly."

The MA 3343/2023 is disposed of, accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P M HARIZ)
MEMBER (A)

Yogita