

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

51.

MA 3551/2023 WITH MA 3552/2023 IN OA 436/2023

Union of India and Ors.	.....	Applicant
Versus		
Hav Karamveer Singh (Retd)	.....	Respondents

For Applicants	:	Mr. S S Sinha, Advocate
For Respondent	:	Mr. Tatsat Shukla, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
07.12.2023

MA 3351/2023 WITH MA 3552/2023

In the matter of notional increment granted by this Tribunal in OA 436/2023 on 23.02.2023, based on the law laid down by the Hon'ble Madras High Court in the case of P. Ayyamperumal Vs. The Registrar, Central Administrative Tribunal, Madras Bench and Ors. (W.P No.15732/2017 decided on 15.09.2017) and following various judgments of this Tribunal and the Central Administrative Tribunal, the OA was allowed after the condoning the delay. It is surprising now that the applicants-Union of India have filed MA 3351/2023 under Section 31 of the Armed Forces Tribunal Act, 2007, on 04.07.2023 seeking leave to appeal against the aforesaid order. There being delay of 110 days in

filing MA 3351/2023, MA 3552/2023 has been filed seeking condonation of delay.

2. The law laid down by the Hon'ble Madras High Court in the case of *P. Ayyamperumal* (supra) is based on the judgments rendered by the various High Courts and Tribunals in identical matters and even recently the Hon'ble Supreme Court has upheld the order in the case of *The Director (Admn and HR) KPTCL and Ors.* Vs. *C.P. Mundinamani and Ors.* (Civil Appeal No.2471/2023 decided on 11.04.2023) and following the same, this Tribunal is allowing a number of applications.

3. It is surprising that in the cases where consistently various High Courts have laid down the law and this Tribunal is only following the law laid down by the High Courts and also by the Hon'ble Supreme Court in the case of *The Director (Admn and HR) KPTCL and Ors.* (supra), the Union of India is bent upon invoking the jurisdiction of this Tribunal under Section 31 seeking leave to appeal. Once the matter has been settled by the Hon'ble Supreme Court in a judgment rendered in detail as discussed hereinabove and has attained finality, it is beyond our understanding as to why without application of mind and without going through the law such an application is filed for leave to appeal.

4. Considering the fact that the applicants-Union of India without any reason has filed this application for leave to appeal, we dismiss this MA with costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited with the AFT Bar Association, Principal Bench, New Delhi. If required, the applicants-Union of India is granted liberty to recover the amount from the officer concerned who is responsible for having filed the application. We are following the aforesaid in the light of the judgment rendered by the Hon'ble Supreme Court in the case of Dr. P.N. Shukla and Others Vs. Union of India and Ors. (Civil Appeal No.7747/2012 decided on 30.11.2023), wherein, it has been held by the Hon'ble Supreme Court that if the costs are imposed on account of the breach of duty by the officer the State Exchequer should not be taxed with the costs, it should be recovered from the officer concerned.

5. In view of the above, liberty is granted to the Union of India to recover the costs from the officer concerned.

6. The MA 3551/2023 stands disposed of.

7. In view of the orders passed in MA 3551/2023 no orders are required on MA 3552/2023.

8. A copy of this order be provided *'DASTI'* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

Neha  
MA 3551/2023