

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

59.

OA 2287/2021 WITH MA 2396/2021

In the matter of :

Wg Cdr Shalendra Singh (Retd) ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Shri Ajit Kakkar, Advocate

For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC

CORAM :

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

ORDER
08.08.2023

MA 2396/2021

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.

MA stands disposed of.

OA 2287/2021

2. This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant,

who served as Wg Cdr and is aggrieved by the incorrect pay fixation in 6th CPC resulting in continuous financial loss and disadvantage including on transition to 7th CPC in 2016, seeking the following reliefs:

- (a) To call for the records based on which the respondents have fixed pay of the applicant lower than his course mates and officers junior to him into effect of the recommendations of 6th Central Pay Commission.
- (b) To direct the respondents to step up the pay of the applicant.
- (c) To direct the respondents to step up the basic pay of applicant and fix the pension and retrial benefits accordingly w.e.f. 30.09.2016.
- (d) To direct the Respondents to pay 12% interest from the dated of his anomaly.

(e) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.

3. The issue raised in this application is squarely covered by our judgment dated 8th July, 2022 passed in OA 1923/2017 in the case of **Wg Cdr Bharat Malik** Vs. **Union of India and Ors.**

4. In the light of the above, we therefore, allow this OA and direct the Respondents to:-

(a) Review the pay fixed of the applicant on promotion to the rank of Wg Cdr in December, 2017 under the 6th 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 7th CPC as on 01.01.2016, in the most beneficial manner.

(c) To revise the applicant's pension and issue a corrigendum PPO accordingly.

(d) To pay the arrears within three months of this order.

5. No order as to costs.

[RAJENDRA MENON]
CHAIRPERSON

[C P MOHANTY]
MEMBER (A)

/ps/