

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

31.

OA 3372/2023

Gp Capt (TS) Hemlata Lohani
Versus
Union of India & Ors.

... Applicant

... Respondents

For Applicant
For Respondents

: Mr. Ajit Kakkar, Advocate
: 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
30.10.2023

This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant, who is a serving Gp Capt and is aggrieved by the incorrect pay fixation in 7th CPC resulting in continuous financial loss and disadvantage to him. He made the following prayers:

- (a) Direct the Respondents to step up the pay of the applicant at par with his coursemates.
- (b) To direct the Respondents to step up the basic pay of the Applicant and fix pay in a manner that is most beneficial to the applicant and other allowances w.e.f 01.01.2006 (VIth CPC), 18.12.2006 (Wg

Cdr), 01.01.2016(VIIth CPC) & 18.12.2019

(Gp Capt).

- (c) To direct the respondents to pay 12% interest on the arrears accrued to the Applicant.
- (d) To pass any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper anytime during the proceedings of this case.

2. 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.**

3. 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 Gp Capt in December, 2019 under the 7th CPC, and after due verification re-fix his pay in a manner that is most beneficial, while ensuring that the applicant is not drawing less pay than his juniors.

(c) Pay the arrears within three months of this order

4. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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

49.

MA 1195/2024 IN OA 3372/2023

Gp Capt (TS) Hemlata Lohani	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Ajit Kakkar, Advocate Ms. Chhavi Yadav, Advocate
For Respondents	:	Mr. Y.K. Prohit, Advocate for 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
22.03.2024

MA 1195/2024 IN OA 3372/2023

By way of the instant application, the applicant seeks the following modifications in the order dated 30.10.2023 passed in OA:

"(a) To modify the order by adding the sentence 'on promotion to the rank of Wg Cdr in December 2006 under the 6th CPC and' in Para 3(a) of the order passed by the Hon'ble Tribunal dated 30.10.2023 in OA 3372/2023 and direct Respondents to step up the pay of the Applicant and grant the consequential benefits accordingly.

(b) To clarify in the Para 3(c) of the order dated 30.10.2023 passed in OA 3372/2023 that if the Respondents fail to comply with the said order within three months of the passing of the order, an interest will be levied on the arrears, and if yes, kindly specify the rate of the interest that will be levied on the arrears to be paid by the Respondents."

2. As regards prayer (a) above, on going through the record and the prayer made in the OA, the order dated 30.10.2023 is modified and it shall now read as under:

“(a) Review the pay fixed of the applicant on promotion to the rank of Wg Cdr in December 2006 under the 6th CPC, and after due verification re-fix his pay in a manner that is most beneficial to him. It is further directed to re-fix the applicant’s pay in subsequent ranks and on transition into 7th CPC as on 01.01.2016, in the most beneficial manner, while ensuring that he is not drawing less pay than his juniors.”

3. As far as payer (b) is concerned, by this prayer the applicant in a way is seeking review of the order dated 30.10.2023. As the Court while allowing the OA did not pass any order with regard to payment of interest or the rate of interest, no modification of the same can be sought or granted. Hence the payer (b) is declined.

4. In view of the above, the MA stands disposed of and the order dated 30.10.2023 passed in OA 3372/2023 is modified to the extent indicated above in Para 2(a).

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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