

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

46.

OA 3746/2023

Gp Capt Sanjay Pisey

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Ajit Kakkar, Advocate

For Respondents

: Gp Cpt K.S. Bhati, Sr.CGSC

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

ORDER  
29.11.2023

This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant, who is a serving Wg Cdr and is aggrieved by the incorrect pay fixation in 6<sup>th</sup> CPC resulting in continuous financial loss and disadvantage including on transition to 7<sup>th</sup> CPC in 2016, seeking the following reliefs:

(a) To direct the respondents to resolve the anomaly in the pay of the applicant as per most beneficial option.

(b) To direct the Respondents to fix 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 (VI CPC), 17.06.2008

(Wg Cdr), and 01.01.2016 (7<sup>th</sup> CPC) and 01.03.2018 (Gp Capt).

(c) To direct the Respondents to pay 12% interest on the arrears accrued to the applicant

(c) To pass any other order or relief which this Hon'ble Tribunal deems fit and proper anytime during the proceedings of this case.

3. The issue raised in this application is squarely covered by our judgment dated 8<sup>th</sup> 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 17.06.2008 under the 6<sup>th</sup> 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 in subsequent ranks and on transition into 7<sup>th</sup> CPC as on 01.01.2016, in the most beneficial manner.

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

5. No order as to costs.

[RAJENDRA MENON]  
CHAIRPERSON

[P.M. HARIZ]  
MEMBER (A)

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