

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

8.

OA 3258/2024 with MA 3544/2024

Sep Harikrishna Sabat (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Nawneet Krishna Mishra, Advocate
For Respondents : Mr. Waize ali Noor, Advocate

CORAM

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

ORDER
29.08.2024

MA 3544/2024

Along with the OA is MA 3544/2024 filed on behalf of the applicant seeking condonation of 1322 days delay in filing the present OA for reasons mentioned therein. In the interest of justice, in view of the judgments of the Hon'ble Supreme Court in the matter of *UoI & Ors Vs Tarsem Singh* 2009(1) AISLJ 371 and in *Ex Sep Chain Singh Vs Union of India & Ors* (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 3544/2024 is allowed and the delay of 1322 days in filing the OA is thus condoned. The MA is disposed of accordingly.

OA 3258/2024

2. The applicant vide the present OA makes the following prayers:-

“(a) Direct the respondents to grant MACP-II to the applicant of the rank of Havildar w.e.f. Dec 2020 and revise his pension accordingly.

“(b) Direct the respondents to pay the due arrears of pay & pension with interest @12% p.a. to the applicant.

“(c) Any other relief which the Hon’ble Tribunal may deem fit and proper in the fact and circumstances of the case.”

3. Before proceeding further in the matter, in view of the order dated 30.05.2024 in OA 728/2020 of the Larger Bench of the AFT, Regional Bench, Chandigarh at Chandi Mandir and the concurring order dated 30.05.2024 of the Hon’ble Justice Mr. Sudhir Mittal, Member (J) of the AFT, Regional Bench, Chandigarh at Chandi Mandir wherein the issue referred to the Larger Bench as detailed therein has been adjudicated and disposed of, the counsel for the applicant may make submissions in relation to the aspect of the maintainability of the present OA.

4. The matter be re-notified for hearing on 10.09.2024.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P.M. HARIZ)
MEMBER (A)