

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

77.

MA 3819/2024 IN OA 153/2024

Lt Col Madan Mohan Joshi (Retd) ..... Applicant  
Versus  
Union of India & Ors. ..... Respondents

For Applicant : Ms. Ayushi Mishra, Advocate for  
Mr. S S Pandey, Advocate  
For Respondents : Mr. K K Tyagi, Sr. CGSC

CORAM

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

O R D E R  
11.09.2024

MA 3819/2024

Having heard the learned counsel for the parties, it has come to our attention that while disposing of OA 153/2024 on 15.01.2024, the Bench inadvertently decided the issue based on the law laid down in the case of Lt Col Karan Dusad Vs. Union of India and Others [O.A. No. 868 of 2020 and connected matters], decided on 05.08.2022, whereas the OA 153/2024 should have been decided in accordance with the judgment of the Hon'ble Supreme Court in the case of Director (Admn. And HR) KPTCL and Others Vs. C.P. Mundinamani and Others (2023) SCC Online SC 401, Civil Appeal No. 2471 of 2023, decided on 11.04.2023, which directly addresses the issue of grant of notional increment.

2. In view of the above and recognizing that there is an apparent error on the face of the record, we allow this application, recall the order dated 15.01.2024 passed in OA 153/2024, and direct that OA 153/2024 be restored to its original file and be listed for hearing in the Supplementary List today itself for orders.

3. Accordingly, the MA stands disposed of.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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