

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

76.

MA 4323/2024 in OA 1819/2024

HFL Surinder Mohan Vig (Retd) & Ors.	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Praveen Kumar, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate

CORAM

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

ORDER
01.10.2024

MA 4323/2024

This application for Leave to Appeal u/s 31 of the AFT Act has been filed on account of dismissal of OA 1819/2024 on 29.05.2024. The OA was filed invoking the jurisdiction of this Tribunal u/s 14 seeking fixation of pay in pursuance to the 3rd CPC. The 3rd Pay Commission was implemented in the year 1970-80 thereafter the 4th CPC, 5th CPC, 6th CPC and the 7th CPC came and at the time of coming into force and formulation of the 8th CPC, the applicants filed this petition and wanted correction of the pay fixation which was undertaken on 01.01.1970 when the pay commission recommendations were implemented. Finding the case to be highly belated, hit by the principles of delay and laches and unsustainable in law, the application has been dismissed. The principles with regard to delay and laches have

been laid down by the Hon'ble Supreme Court and by this Tribunal in various cases. This Tribunal has done nothing except following the well settled law laid down not only by the Hon'ble Supreme Court but by various High Courts and the Armed Forces Tribunal in the matter of entertaining a petition which is barred by the law of limitation. Accordingly, in the facts and circumstances no case is made out for granting any Leave to Appeal as no substantial question of public importance or law is involved in the matter. The application is therefore dismissed.

2. Let a copy of this order be given '*DASTI*' to both the parties.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


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

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