

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

50.

MA 681/2024 in OA 2605/2023

Ex Hav Rajbir Singh ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Bikrama Sah, Advocate  
For Respondents : Mr. Mohit Kumar Singh, Advocate

CORAM

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

ORDER  
17.09.2024

MA 681/2024

This application has been filed on account of non-compliance of the order passed in OA 2605/2023 on 11<sup>th</sup> September, 2023. On the very first day of hearing, the OA 2605/2023 was allowed by this Tribunal without notice to the respondents following the principles laid down in the case of Sub M. L. Shrivastava Vs. Union of India and Ors. (OA 1182/2018) decided on 03.09.2021.

2. The respondents were directed to either grant benefit to the applicant or examine the case and pass appropriate orders.

3. On the last date of hearing a copy of the order dated 29.11.2023 passed by the PAO (OR) ASC (South) Bangalore, after examining the case of the applicant, was

handed over to the applicant. It is indicated in this order that on grant of ACP, the pay of the applicant was fixed in the rank of Nk w.e.f. 21.06.2004. Since the applicant was granted regular promotion to the rank of Nk w.e.f. 10.01.2008 no further fixation is due to him as his pay had already been fixed in the rank of Nk. It is therefore the contention of the respondent the applicant is not entitled to any further fixation of pay as it already stood fixed while granting him ACP w.e.f. 21.06. 2004.

4. Keeping in view the observations made in the communication referred to hereinabove, we dispose of the matter granting liberty to the applicant, if any grievance still subsists he may challenge his pay fixation as mentioned hereinabove by filing a fresh application in accordance with law.

5. MA stands disposed of.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

/Priya/  
MA 681/2024