

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

1. Supplementary

OA 1920/2022

Wg CDR Kanak Mukherjee ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Ajit Kakkar, 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  
23.08.2024

MA 2524/2022

Keeping in view the averments made in the miscellaneous application and finding the same to be bona fide, in the light of the decision in Union of India and others Vs. Tarsem Singh (2008) 8 SCC 648, the same is allowed condoning the delay in filing the O.A.

OA 1920/2022

2. 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 fix the anomaly in the basic pay of the Applicant as per option beneficial to the Applicant and at par with his course mates and juniors.

(b) To direct the respondents to step up the basic pay of applicant at par with his course mates and fix the salary accordingly w.e.f. 15.12.2003, 01.01.2006, 17.06.2008 & 01.01.2016.

(c) To direct the respondent to pay 8% interest on the arrears accrue to the applicant.

(d) To pass any other appropriate 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 Jun 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, while ensuring that the applicant is not drawing less pay than his juniors.

(c) Pay the arrears within three months of this Order and submit a compliance report.

5. No order as to costs.

  
[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

Priya