

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

59.

**OA 2287/2021 WITH MA 2396/2021**

**In the matter of :**

**Wg Cdr Shalendra Singh (Retd) ... Applicant**

**Versus**

**Union of India & Ors. ... Respondents**

**For Applicant : Shri Ajit Kakkar, Advocate**

**For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC**

**CORAM :**

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

**ORDER**  
**08.08.2023**

**MA 2396/2021**

Keeping in view the averments made in the application and in the light of the decision in **Union of India and others Vs. Tarsem Singh** (2009(1) AISLJ 371), the delay in filing the OA is condoned.

MA stands disposed of.

**OA 2287/2021**

2. This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant,

who served as 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 call for the records based on which the respondents have fixed pay of the applicant lower than his course mates and officers junior to him into effect of the recommendations of 6<sup>th</sup> Central Pay Commission.
- (b) To direct the respondents to step up the pay of the applicant.
- (c) To direct the respondents to step up the basic pay of applicant and fix the pension and retrial benefits accordingly w.e.f. 30.09.2016.
- (d) To direct the Respondents to pay 12% interest from the dated of his anomaly.

(e) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.

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 December, 2017 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 on transition into 7<sup>th</sup> CPC as on 01.01.2016, in the most beneficial manner.

(c) To revise the applicant's pension and issue a corrigendum PPO accordingly.

(d) To pay the arrears within three months of this order.

5. No order as to costs.

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**[RAJENDRA MENON]**  
**CHAIRPERSON**

**[C P MOHANTY]**  
**MEMBER (A)**

/ps/

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

65.

MA 150/2024 in OA 2287/2021

Wg Cdr Shalendra Singh (Retd) ..... Applicant  
Versus ..... Respondent  
Union of India & Ors. ....

For Applicant : Mr. Ajit Kakkar, Advocate  
For Respondents : Gp Capt Karan Singh Bhati Sr CGSC

CORAM

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

ORDER  
15.01.2024

MA 150/2024

This is an application filed by the applicant seeking modification/correction of order dated 08.08.2023 to the extent that in the order passed by this Tribunal on 08.08.2023 in OA No. 2287/2021 where in Para 4 (a), the pay fixed of the applicant on promotion to the rank of Wg Cdr in December, 2017 under the 6<sup>th</sup> CPC is not correct. The correct pay fixed of the applicant on promotion to the rank of Wg Cdr in December, 2007. In view of the above, we allow this application and direct that the pay fixed of the applicant on promotion to the rank of Wg Cdr in December, 2017 shall now be read as Wg Cdr in December, 2007.

The aforesaid corrections be incorporated wherever it appears in the order dated 08.08.2023.

This order shall form part of the order dated 08.08.2023.

MA stands disposed of.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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