

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

(Supplementary List)

3.

OA 2905/2023

Sgt Champatruni Sridhar

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Ramniwas Bansal, Advocate

For Respondents

: Mr. Shyam Narayan, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
25.09.2023

Present OA has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 feeling aggrieved by the incorrect pay fixation under 6th Central Pay Commission (CPC), which resulted in continuous financial loss and disadvantage to him including on transition to 7th CPC and even after retirement.

2. The applicant was enrolled in the Air Force on 28.09.2004. The applicant was promoted to the rank of LAC on 01.02.2006. On 01.01.2010, the applicant was promoted to the rank of CPL. The implementation instructions for 6th CPC were issued vide SAI 1/S/2008 dated 11.10.2008. However, due to wrong fixation of his pay by the respondents under 6th CPC, the applicant has suffered continuous financial loss and disadvantage and in receipt of lesser pay

than his juniors. Thereafter the applicant was promoted to the rank of sgt on 04.07.2018.

3. The respondents have contended that the option form of 6th CPC was never received by them within the stipulated time and at this belated stage it could not be acted upon. They further submitted that they never received any queries from the applicants with regard to re-fixation proforma.

4. Be that as it may, the matter of incorrect pay fixation has been exhaustively examined by this Tribunal in the case of **Sub M.L. Shrivastava and Ors Vs. Union of India [O.A No. 1182 of 2018] decided on 03.09.2021.** Relevant paras for the purpose of decision in this matter are quoted below:

"24. Having heard all parties at length, the main issue before us is whether the respective PAO (OR)s who are the Respondent office responsible for all matters of pay and allowances of personnel below officers' rank are justified in arbitrarily fixing the pay as on 01.01.2006, without examining the most beneficial option for each individual while fixing the pay; irrespective of whether the option was exercised or not exercised, or was exercised late.

xxx

xxx

xxx

30. In all the three cases, the applicants have been promoted to the next rank after 01.01.2006 and prior to the issue of SAI No 1/S/2008 dated 11.10.2008. Under normal circumstances, the applicants ought to have exercised their option for pay fixation as given in Para 8 and 14 (b) of the SAI. There is no dispute that the time laid down for exercising the option was initially three months from the date of issue of the SAI and that this was further extended

(a) *Review the pay fixed of the applicants and after due verification re-fix their pay under 6th CPC in a manner that is most beneficial to the applicants.*

(b) *Thereafter re-fix their pay in all subsequent ranks and on transition to 7th CPC where applicable, and also ensure that they are not drawing less pay than their juniors.*

(c) *Re-fix all pensionary and post retiral benefits accordingly.*

(d) *Issue all arrears and fresh PPO where applicable, within three months of this order and submit a compliance report.*

40. *In view of the fact that there are a large number of pending cases which are similarly placed and fall into Category A or B, this order will be applicable in rem to all such affected personnel. Respondents are directed to take suo moto action on applications filed by similarly aggrieved personnel and instruct concerned PAO (OR) to verify records and re-fix their pay in 6th CPC accordingly.*

5. In the light of the above consideration, we allow this OA and direct the Respondents to :

(a) Review the pay fixed of the applicant on his promotion to the rank of LAC on 01.02.2006 under the 6th CPC and after due verification re-fix their pay in a manner that is most beneficial to him while ensuring that the applicant is not drawing less pay than their juniors.

(b) Re-fix the applicant's pay on subsequent promotion and on transition into 7th CPC in the most beneficial manner.

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- (c) Re-fix all pensionary and post-retiral benefits accordingly.
- (d) Pay all arrears and issue fresh PPO within three months from the date of receipt of copy of this order.

[RAJENDRA MENON]
CHAIRPERSON

[C.P. MOHANTY]
MEMBER (A)

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

76.

MA 5508/2023 in OA 2905/2023

Sgt Champatruni Sridhar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ramniwas Bansal, Advocate

For Respondents : Mr. Shyam Narayan, Advocate

CORAM

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

ORDER
03.01.2024

MA 5508/2023

This is an application filed by Union of India seeking modification of the order dated 25th September, 2023 passed in the OA 2905/2023.

2. It is submitted that inadvertently the date of promotion of the applicant as Sgt has been mentioned as "04.07.2018" whereas the actual date of promotion is "04.10.2017".

3. In view of the aforesaid, we allow the application and direct that the date of promotion of the applicant as Sgt shall be read as "04.10.2017" in place of "04.07.2018".

4. With the aforesaid modification, MA stands disposed of.

