

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

38.

MA 4201/2024 in OA 3328/2023

Gp Capt Rahul Sharma ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

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 REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
26.09.2024

MA 4201/2024

This application has been filed for early hearing of OA 3328/2023. Considering the fact that the option exercised by the applicant for pay fixation was not considered on the grounds that it was reached belatedly keeping in view the law laid down in the case is squarely covered by judgment dated 08.07.2022 passed in OA No.1923/2017 titled as Wg Cdr Bharat Malik Vs. Union of India and Ors. the application is allowed. OA 3328/2023 be listed for hearing in the supplementary list.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

COURT NO. 1  
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Supplementary Item No. 2

OA 3328/2023

Gp Capt Rahul Sharma ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

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 REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
26.09.2024

OA 3328/2023

This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007, by the applicant who is a serving Gp Capt 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 step up the pay of the Applicant at par with his coursemates.*

*(b) To direct the Respondents to step up the basic pay of the Applicant and fix pay in a manner that is most beneficial to the applicant and other allowances w.e.f 01.01.2006 (VI CPC),*

*17.06.2008 (Wg Cdr), 01.01.2016 (7th CPC) and 11.12.2017 (Gp Capt).*

*(c) To direct the Respondents to pay 12% interest on the arrears accrued to the Applicant*

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

2. The issue raised in this application is squarely covered by our judgment dated 08.07.2022 passed in OA No.1923/2017 titled as Wg Cdr Bharat Malik Vs. Union of India and Ors.

3. 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 on 17.06.2008 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.

4. No order as to costs.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

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