

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

6.

OA 956/2024 with MA 1179/2024

Wg Cdr Sujata Dwivedi (Retd) & Ors. Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Ms. Pallavi Awasthi, Advocate

For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC with
Mr. Yogeshwar Krishna, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

20.03.2024

On behalf of the applicant nos. 1 to 23 the prayers made
vide the present OA are to the effect:-

i. Direct the Respondents to grant/extend pensionary benefits to the Applicants under the principles of parity in terms of judgment dated 16.11.2022 passed by Hon'ble Supreme Court in Civil Appeal Nos 79- 82 of 2012 titled as Wg Cdr A U Tayyaba (Retd) and Others; and/or

ii. Pass any other and further order (s) and direction (s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

Along with the same is MA 1179/2024 filed by the applicants seeking to join together to institute the OA submitting to the effect that their submissions are premised on the same cause of action and that the nature of relief and interest is common to all the applicants.

2. In view of the averments that have been made in the synopsis and list of dates and events and as averred in para (vi) at

page 23 of the OA, the applicant no. 1 Wg Cdr Sujata Dwivedi has averred in the synopsis that she served for 15 years of service and that the applicant no. 6 Wg Cdr Indu Dinesh Nair also has completed 15 years of service.

3. In these circumstances, counsel for the applicant seeks to withdraw the present OA on behalf of the applicant nos. 1 and 6 seeking liberty to file the OA afresh qua the said applicants in accordance with law. The said prayer is allowed and the OA 956/2024 qua **applicant nos. 1 and 6** is dismissed as withdrawn with liberty granted as prayed.

4. As regards applicant nos. 2 to 5 and 7 to 23, in view of submission made on behalf of the said applicants that their representations are still pending before the respondents, the respondents are directed to dispose of the applications filed by the applicant nos. 2 to 5 and 7 to 23 who are permitted to join together in the institution of the present OA, within a period of two months. It would be open to the said applicants to seek redressal in accordance with law, if any, if aggrieved thereby.

5. The OA is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN V/G)
MEMBER (A)