

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

16.

OA 1083/2024

Air Cmde Anish Aggarwal Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, 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
02.04.2024

OA 1083/2024

This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007, by the applicant who is a serving Air Cmde and is aggrieved by the incorrect pay fixation in 6th CPC resulting in continuous financial loss and disadvantage including on transition to 7th CPC in 2016, seeking the following reliefs:

- (a) Call for the records wherein the Respondents have fixed the pay of the Applicant in the 6th CPC in the Rank of Sqn Ldr w.e.f 01.01.2006 and thereafter despite repeated directions, the Respondents have not rectified the fixation of the pay of the Applicant in the

Rank of Wg Cdr which was more beneficial to him and thereafter quash the same.

(b) Issue further direction to the Respondents to re-fix the pay of the Applicant in the 6th CPC from the date of promotion as Wg Cdr on 18.06.2007 in 6th CPC in a manner that is more beneficial to the Applicant with further direction to re-fix the pay of the Applicant on further promotion to the Rank of Gp Capt as well as on the 7th CPC based on such fixation of pay in a more beneficial manner in the Rank of Wg Cdr

(c) Direct the Respondents to pay the difference of pay after all necessary adjustments as arrears on all such fixation with a penal interest @ 18% in a time bound manner.

(d) Pass any order/orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case.

2. The issue raised in this application is squarely covered by our judgment dated 8th July, 2022 passed in OA 1923/2017 in the case of 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 in 18.06.2007 under the 6th 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 7th 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

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

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