

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

31.

OA 1496/2024

Gp Capt Sumit Prasad Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate with
Ms. Deepali, Advocate,
Adv. Kushal Rishi,
Ms. Sangeeta, Advocate and
Mr. Mukesh Chaudhary, Advocate

For Respondents : Sqn Ldr A. K. Nautiyal, Deptt. Rep.

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

ORDER
07.05.2024

OA 1496/2024

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 6th CPC resulting in continuous financial loss and disadvantage including on transition to 7th CPC in 2016, seeking the following reliefs:

- (a) To direct the respondents to resolve the anomaly in the pay of the Applicant as per most beneficial option.

(b) To direct the Respondents to fix 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 (VIth CPC), 17.06.2008 (Wg Cdr), 01.01.2016 (VIIth CPC) & 17.06.2021 (Gp Capt).

(c) To direct the respondent to pay 12 % interest on the arrears accrued to the Applicant.

(d) To pass any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper anytime during the proceedings of this 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 Jun 2008 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)

/Priya/