

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

24.

OA 2106/2024

Sgt Bikramjit Singh ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Tatsat Shukla, Advocate  
For Respondents : Mr. J.S. Yadav, Advocate

CORAM

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

ORDER  
09.07.2024

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 6<sup>th</sup> Central Pay Commission (CPC), which resulted in continuous financial loss and disadvantage to him including on transition to 7<sup>th</sup> CPC and even after retirement.

2. The applicant was enrolled in the Indian Air Force on 28.12.2004. The applicant was promoted to the rank of LAC on 01.10.2006. The batchmates of the applicant were promoted on 01.06.2006. However, there was pay anomaly to the effect that the applicaant's basic pay was fixed less than the junior/batchmates. The implementation instructions for 6<sup>th</sup> CPC were issued vide SAI

1/S/2008 dated 11.10.2008. However, due to wrong fixation of his pay by the respondents under 6<sup>th</sup> CPC, the applicant has suffered continuous financial loss and disadvantage and in receipt of lesser pay than his juniors.

3. The respondents have contended that the option form of 6<sup>th</sup> 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



*commitment by the Respondents, in particular the PAO(OR) who were the custodians to ensure this. This has resulted in serious financial implications to individuals including loss of pay and allowances whilst in service and on retirement. This has also resulted in financial loss to those who transited to 7<sup>th</sup> CPC with incorrect fixation of pay in the 6<sup>th</sup> CPC. The only ground for denial of the most beneficial pay scale to the applicants and many others who are similarly placed is that either the individuals did not exercise an option for pay fixation, or they exercised it late, beyond the perceived stipulated period. In the given circumstances, the respondents themselves should have taken steps to remove this anomaly, and ease out the issue for the serving soldiers, many of whom may not be knowledgeable about the intricacies of these calculations, in the full knowledge that that no one will ever knowingly opt for a less beneficial option. We emphasise the fact that it's the responsibility of the Respondents and the service authority to look after the interests of its own subordinate personnel.*

*39. In view of the above, the three OAs under consideration are allowed and we direct the Respondents to:-*

- (a) Review the pay fixed of the applicants and after due verification re-fix their pay under 6<sup>th</sup> 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 7<sup>th</sup> 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 6<sup>th</sup> 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 01.10.2006 under the 6<sup>th</sup> 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 7<sup>th</sup> CPC in the most beneficial manner.

- (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.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

/sm/