

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

71.

OA 3628/2023 with MA 2685/2024

Gp Capt Kannothe Sunil Kumar (Retd) Applicant
Versus
Union of India & Ors. Respondents
For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Anil Gautam Sr CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
23.09.2024

MA 2685/2024

For the averments made in the application delay in filing the counter affidavit is condoned. Counter affidavit is taken on record. MA stands disposed of.

OA 3628/2023

2. This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant, who is a retired 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 step up the pay and pension 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 (With CPC), 18.12.2006 (Wg Cdr) and 01.01.2016 (7th CPC), 01.04.2015 (Gp Capt).

(c) To direct the respondent to pay 08% 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.”

3. 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.

4. 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 Dec 2006 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.

5. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

Priya