

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

62.

OA 3918/2023

Ex CPO LOG (MAT) Sunil Kumar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. R S Chhillar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
11.12.2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA seeking the following reliefs:

- "(a) Direct the respondents to refix (step up) the applicant's basic pay from Rs.42300/- to Rs.43600/- and revise his pay and service pension accordingly.*
- (b) Direct the respondent to pay arrears of pay and service pension with 12% interest P.A.*
- (c) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the applicant in favour of the applicant and against the respondents."*

2. Grievance of the applicant is with regard to fixation of his pay in the best option available at the time of transition from 6th CPC to 7th CPC. It is the case of the applicant that the next increment due to him on 1st July, 2016 should be fixed in accordance to his

entitlement after promotion and on transition from 6th CPC to 7th CPC and his pay has to be fixed in the best option available in accordance with the law laid down in various cases, i.e., Sub Chittar Singh Vs. Union of India and Ors. (OA No.113/2014) decided on 10th December, 2014, Ex CHA (MET) Kush Mohammad Ali Vs. Union of India and Ors. (OA No.2122 of 2022) decided on 13th April, 2023 and Sub M.L Shrivastava and Ors. Vs. Union of India and Ors., (O.A No. 1182 of 2018) decided on 03.09.2021.

3. Taking note of the aforesaid, we direct the respondents to examine the case of the applicant and grant him the benefit in case the best option available has not been granted to him and it has been denied to him only because he did not exercise the option. Keeping in view the law laid down consistently by this Tribunal in the cases referred to hereinabove even if the applicant has not opted for the best option, it was incumbent upon the respondents and the pay fixation authority to grant him the benefit of best option available.

4. In the backdrop of the aforesaid legal principles a decision be taken and if entitled the applicant should be granted the benefit, else it shall be incumbent upon the respondents to pass a speaking order and communicate it to the applicant. Either way, action should be taken and order implemented within a period of two months from the date of receipt of a copy of this order.

5. In view of the above, the OA stands disposed of with no order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBÉ]
MEMBER (A)

/vks/