

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

6.

OA 4180/2024

Gp Capt Jauyant Madhukar Barge (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

CORAM

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

ORDER
16.10.2024

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 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), 17.12.2007 (Wg Cdr), 01.01.2016 (VIIth CPC) and 17.12.2020 (Gp Capt).*
- (c) *To direct the respondents to pay 12% interest on the arrears accrued to the applicant.*

2. The issue raised in this application is squarely covered by our judgment dated 08.07.2022 passed in OA

No.1923/2017 titled as Wg Cdr Bharat Malik Vs. Union of India and Ors.

3. In the light of the above, we allow this OA and direct the respondents to:-

(a) Review the pay fixed of the applicant 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) Revise the pension of the applicant and issue corrigendum PPO accordingly.

(d) Pay the arrears within three months of this order.

4. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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