

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

86.

OA 423/2024

Air Cmde Amit Agrawal

..... 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 LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
09.12.2024

OA 423/2024

This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007, by the applicant who is a serving Air Cmde and is aggrieved by the incorrect pay fixation in 5th CPC resulting in continuous financial loss and disadvantage including on transition to 6th CPC in 2006 and 7th CPC in 2016. The applicant was promoted to the rank of Wg Cdr on 16.12.2004 and his pay was fixed as on the date of promotion instead of being given the benefit of fixing his pay from the date of next increment in March, 2025. And that this initial fixing of pay from the date of promotion has had a cascading impact on their transition to the 6th and 7th CPC because of which he continues to draw less pay than his

coursemate and junior, resulting in substantial financial loss.

2. The applicant vide the present OA seeks 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 16.12.2004 (Wg Cdr), 01.01.2006 (VI CPC), 01.01.2016 (VII CPC), 03.01.2017 (Gp Capt) & 01.07.2023 (Air Cmde).

(c) To direct the Respondents 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 the case.

2. The issue raised in this application is squarely covered by our judgment dated 08.07.2022 passed in OA No.1579/2017 titled as *Gp Capt AVR Reddy 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 Dec 2004 under

the 5th CPC and after due verification re-fix the pay in a manner that is most beneficial to the applicant.

(b) Re-fix the applicant's pay on transition into 6th CPC with the most beneficial option, while ensuring that the applicants do not draw less pay than their juniors.

(c) Re-fix the applicant's pay on transition to 7th CPC and subsequent promotion accordingly.

(d) 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)

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