

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

4.

OA 4988/2024 with MA 5182/2024

Wg Cdr Sanjeev Sharma (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

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

ORDER
10.12.2024

MA 5182/2024

Keeping in view the averments made in the miscellaneous application and finding the same to be bona fide, in the light of the decision in Union of India and others Vs. Tarsem Singh [(2008) 8 SCC 648], the MA is allowed condoning the delay in filing the OA. The MA stands disposed of.

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2. This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant, who is a retired Wg Cdr 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 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 (Sq n Ldr), 01.01.2006 (VIth CPC), 17.12.2007 (Wg Cdr), 01.01.2016 (VIIth CPC).
- (c) To direct the respondent 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 this case.”
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 2007

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/