

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

147.

MA 1586/2024 IN OA 2986/2023

Col Farrokh Fardoon Anklesaria (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

ORDER
12.02.2025

MA 1586/2024

This application has been filed for the execution of an order passed by this Tribunal on 06.10.2023 in OA 2986/2023.

2. OA 2986/2023 was filed by the applicant invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, seeking payment of one notional increment to the applicant in pursuance of the order passed by the Hon'ble High Court of Madras in the case of P. Ayyamperumal vs. The Registrar, Central Administrative Tribunal, Madras Bench and Ors. (WP No. 15732/2017) decided on 15.09.2017, and upheld by the Hon'ble Supreme Court in Civil Appeal No. 2471/2023, decided on

11.04.2023, titled Director (Admn. and HR) KPTCL and Others vs. C.P. Mundinamani and Others (2023) SCC Online SC 401.

3. In keeping with the settled principles of law, the OA was allowed on the very first day without notice to the respondents and without granting them an opportunity to file a counter affidavit. However, while deciding the matter, liberty was granted to the respondents to examine the case and in the event they were of the opinion that the applicant was not entitled to the benefits they had the option to pass a speaking order.

4. Upon the notice being issued in the execution application, the respondents have produced before us an order passed by the Competent Authority on 11.12.2024, wherein it is stated that the applicant is not entitled to the increment as prayed for, as he had not completed one year of service from the date he last drew an increment on 01.07.2021. The applicant retired before completing one year of service on 01.01.2022, and therefore, as he had not completed one year of service, he is not entitled to the notional increment claimed in the application.

5. In view of the reasons indicated in the letter, we find that the respondents have acted in accordance with the

directions issued by this Tribunal. Considering the fact that the applicant is not entitled to the notional increment, we dispose of this execution application with liberty to the applicant to challenge the impugned order if he has any grievance regarding the same.

6. Accordingly, the MA stands disposed of.

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[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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[RASIKA CHAUBE]
MEMBER (A)

/Ps/