

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

4.

OA 1185/2025 with MA 1757/2025

Sgt Ajeet Kumar (Retd)

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant :

Mr. Nawneet Krishna Mishra, Advocate

For Respondents :

Mr. Vijay Joshi, Advocate

Sgt Pankaj Kumar Sharma, Incharge DAV
Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
28.04.2025

MA 1757/2025

MA 1757/2025 filed on behalf of the applicant seeking condonation of 816 days delay in filing the present OA for reasons mentioned therein. In the interest of justice, in view of the judgments of the Hon'ble Supreme Court in the matter of *UoI & Ors. Vs Tarsem Singh* (2008) 8 SCC 648 and in *Ex Sep Chain Singh Thr LR. Dhaneshwari Devi Vs Union of India & Ors.* in Civil Appeal No. 022965/2017 arising out of Civil Appeal Diary No. 30073/2017 and the reasons mentioned, the MA 1757/2025 is allowed and the delay of 816 days in filing the OA is thus condoned. The MA 1757/2025 is disposed of accordingly.

OA 1185/2025

2. The applicant vide the present OA makes the following prayers:-

"(a) Pass an order re-calculating pension and other terminal benefits after taking into account the benefit of notional increment as on 01 Jan 2023.

(b) Pass an order granting interest @12% on the arrears of pension and other terminal benefits to which the applicant is held entitled in terms of the re-calculation after implementing the order at (b) above.

(c) Pass any other or such further order(s) or direction(s) in favour of the applicant and against the respondents which this Hon'ble Tribunal feels necessary in the attendance circumstances of the case, to meet the ends of justice."

3. Notice of the same is issued to the respondents and on behalf of the respondents, at the outset it is submitted that in as much as the applicant was enrolled on 16.12.2002, the entire period of the year for which the notional increment sought by the applicant, has to have elapsed. It is essential to observed that vide proceedings dated 03.01.2025 in OA 2/2025 of this Tribunal it has been categorically observed vide Para 11 to the effect:-

"11. Even though in all the cases till date we have been following and passing aforesaid order but recently it has come to our notice that in certain cases applicants have been granted increment and before completing the period of one year, they are again claiming the subsequent increment as well. Grant of benefit of notional increment, as directed hereinabove, shall be subject to the condition that the applicant has completed one full year of service after drawal of the earlier/last increment,"

and thus, in the circumstances a short response of the respondent is called for which is directed to be filed within a period of four weeks without default.

4. The matter be re-notified for hearing on 15.09.2025.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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