

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

94.

MA 2899/2023 IN OA 317/2023

JWO Umesh Kumar Pandey (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Kritendra Tiwari, Advocate
For Respondents : Mr. Kumar Gaurav, Advocate
Mr. Abhishek Trivedi, Sr. Auditor
PCDA (P), Prayagraj

CORAM

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

ORDER
08.05.2025

MA 2899/2023

Seeking execution of an order passed by this Tribunal in OA 317/2023 on 06.02.2023, this application has been filed for execution. The said OA was disposed of on the very first day without notice to the respondents and without granting them any opportunity of filing a counter affidavit based on the law laid down by the Hon'ble Supreme Court in the case of Union of India Vs. M. Siddaraj (SLP No.4722/2021 decided on 05.04.2021) and thereafter clarified on various dates in miscellaneous applications filed.

2. Finally based on the orders passed by the Hon'ble Supreme Court, the DoPT has issued an Office Memorandum on 14.10.2024 and thereafter, again on 23.12.2024 in the

matter of implementation of the judgements rendered by the Hon'ble Supreme Court in the case of *M. Siddaraj* (supra).

3. The grievance of the applicant is that the order passed in the matter of grant of increment has not been complied with. The notice was issued and the respondents produced a PFO indicating payment of benefit to the applicant. However, the applicant made a grievance to the effect that the arrears, after grant of increment, have not been paid to him. Accordingly, notice was issued to the PCDA (P), Prayagraj, asking them to show cause as to why the arrears of pension have not been granted. The representative from the office of PCDA (P), Prayagraj, has produced before us the Office Memorandum dated 14.10.2024 issued by the Govt. of India in the Ministry of Personnel, Public Grievances and Pensions and it is indicated that as per this memorandum, increment has been granted to the applicant and based on the judgement rendered in the case of *M. Siddaraj* (supra), the arrears is not to be paid to the applicant and, therefore, nothing further survives in the matter.

4. Keeping in view the aforesaid and the fact that the OA was disposed of without notice to the respondents and without taking note of the final order passed by the Hon'ble Supreme Court in the case of *M. Siddaraj* (supra) based on

which the Office Memorandum dated 14.10.2024 has been issued, we do not need to go any further into these execution proceedings. The matter stands disposed of and in case the applicant feels that grant of arrears to him has been illegally denied contrary to the judgement of the Hon'ble Supreme Court in the case of *M. Siddaraj* (supra) and the Office Memorandum dated 14.10.2024, it gives a fresh cause of action to the applicant to agitate it in accordance with law.

5. With the aforesaid liberty to the applicant, the MA stands disposed of.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


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

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MA 2899/2023