

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

A.

MA 3290/2023 IN OA 928/2015

Ex Hav (Clerk/SD) Tein Singh Dahiya		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC

CORAM

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

ORDER
10.07.2025

MA 3290/2023

In continuation of the detailed order passed by us on 22.05.2025 in the MA in question, with regard to clarification of the orders passed, a perusal of Paras 11 to 14 of the order passed by this Tribunal on 22.09.2022 in OA No. 928/2015, which has been reproduced by us in Para 2 of our order dated 22.05.2025, indicates that the Tribunal, after granting MACP benefits to the applicant with regard to financial upgradation, has also granted him the rank of Subedar Major.

2. In our considered view, this was not permissible. The grant of MACP is not a promotion, but merely a financial upgradation of the pay scale, based on the provisions stipulated in the MACP Scheme. Therefore, there is no

question of granting the rank of Subedar Major as a consequence of MACP.

3. However, Mr. S.S. Pandey, learned counsel for the applicant very fairly submitted that the applicant is not insisting on the mention of the rank of Subedar Major in the PPO and other service documents. Nonetheless, in view of the upgradation to a higher pay scale under the MACP Scheme, the applicant may be entitled to certain consequential benefits, such as higher entitlements for post-retirement benefits including the issuance of CSD and ECHS facilities.

4. We are of the considered opinion that if the applicant feels entitled to any such benefits due to the financial upgradation under MACP, he may submit a representation to the Competent Authority raising a claim in this regard. It shall be the responsibility of the Competent Authority to examine the claim in light of the applicable rules and service conditions and to take an appropriate decision within a period of two months from the date of receipt of such representation.

5. Needless to emphasize, if the applicant remains aggrieved thereafter, he shall be at liberty to take recourse to such legal remedies as may be permissible under law.

6. With the aforesaid clarification, the MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/PS/
MA 3290/2023