

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

2.

OA 4930/2024 with MA 5121/2024 & 5122/2024

Naik (ACP-1) Girdhar Singh (Retd)& Ors. Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Madan Pal Vats &
Mr. Abhay Kant Upadhyay, Advocates
For Respondents : Mr. Neeraj, Sr. CGSC with Mr. Sanjay, Advocate
Maj Satvik Grover, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS RASIKA CHAUBE, MEMBER (A)

ORDER
03.01.2025

MA 5122/2024

MA 5122/2024 has been filed by the seven applicants seeking to join together to institute the OA submitting to the effect that their prayers are premised on the same cause of action with reference to letter no. 12(1)/2014/D(Pen/Pol)-Part-II dated 07.11.2015, with it having been submitted further by the counsel for the applicants that he represents all the seven applicants. In view thereof, MA 5122/2024 is allowed and the seven applicants are allowed to join together to institute the present OA. MA 5122/2024 is disposed of accordingly.

MA 5121/2024

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1935 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court

in the matter of UOI & Ors Vs Tarsem Singh 2009(1)AISLJ 371 and in Ex Sep Chain Singh Vs Union of India & Ors (Civil Appeal No. 30073/2017 and the reasons mentioned, the MA 5121/2024 is allowed despite opposition on behalf of the respondents and the delay of 1935 days in filing the OA 4930/2024 is thus condoned. The MA 5121/2024 is disposed of accordingly.

OA 4930/2024

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

- “(i) Quashing and setting aside the letter issued by Respondent No.1 dated 20.07.2023 along with disposal orders (Annexure-A-01)(COLLY) (IMPUNGED LETTER).*
- (ii) Quashing and setting aside the GOI, MOD, DESW (Respondent No. 1), vide their letter dated 04.01.2023, [Annexure-A-02(i)] (IMPUNGED LETTER).*
- (iii) Quashing and setting aside the detailed instructions issued by GOI, MOD, DESW (Respondent No. 1), vide their letter dated 20.01.2023, [Annexure-A-02(i)] (IMPUNGED LETTER).*
- (iv) Quashing and setting aside the PCDA (Pension) Circular Number 666 dated 20.01.2023 [Annexure-A- 02(iii)] (IMPUNGED LETTER).*
- (v) Quashing and setting aside the clarifications/ instructions given to CGDA by GOI, MoD, DESW (Respondent No. 1), vide their ID No. 1(1)/2019/D(P/P) dated 08.04.2022, [Annexure A02(iv)] (IMPUNGED LETTER).*
- (vi) Quashing and setting aside the GOI, MOD, DESW (Respondent No. 1), vide their letter dated 10.07.2024, [Annexure-A-02(v)] (IMPUNGED LETTER).*
- (vii) Quashing and setting aside the detailed instructions issued by GOI, MOD, DESW (Respondent No. 1), vide their letter dated 04.09.2024, [Annexure- A- 02(vi)] (IMPUNGED LETTER).*
- (viii) Quashing and setting aside the PCDA (Pension) Circular Number 677 dated 06.09.2023 [Annexure - A- 02(vii)] (IMPUNGED LETTER).*
- (ix) Call for records pertaining to letter No. 1(1)/2019/D (Pen/Pol) dated 04 Jan 2023 and 20 Jan 2023.*

(x) Call for records pertaining to letter No. 1(2)/2023/D(Pen/Pol) dated 10.07.2024 and 04.09.2024.

(xi) Call for records pertaining to letter No. 12(1)/2014/D (Pen/Pol)-Part-II dated 07.11.2015 and dated 06.06.2017.

(xii) Direct the respondents the benefits of first revision of OROP w.e.f. 01 Jul 2019 and consequential benefits arising therefrom with the interest @ 12% on the arrears till realization of the actual payment.

(xiii) Pass any other or further order(s) as may be deem fit and proper, in favor of the applicants.

(xiv) To award the cost of the original application to the applicants."

2. Notice of the OA is issued and accepted on behalf of the respondents. The pleadings in the matter be completed by either side within a time frame of three months.. The matter be listed before the Joint Registrar on **13.01.2025** for completion of pleadings.

3. In view of prayer-8(ii) referred to hereinabove with the matter being subjudice qua the said issue in OA 313/2022 before the Hon'ble Court 1, the Registry is directed to renotify the matter after disposal of OA 313/2022.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)