

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

20.

MA 5278/2023 in OA 1037/2023

Sgt Naveen Kumar Singh (Retd) Applicant
Versus
Union of India & Ors. Respondents
For Applicant : Mr. Tatsat Shukla, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

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

ORDER
08.01.2025

MA 5278/2023

Seeking execution of an order passed by this Tribunal in OA 1037/2023 on 26th April, 2023, the applicant has filed this application under Section 29 of the Armed Forces Tribunal Act, 2007.

2. In view of the law laid down by the Hon. Supreme Court in the case of Director (Admn and HR) KPTCL and ORS. Vs. C.P. Mundinamani and Ors. (Civil Appeal No.2471/2023) decided on 11th April, 2023, the OA in question was disposed of on the very first date without notice to the respondents and without granting them any opportunity to file the counter affidavit. However, while passing the order, the respondents were given an option to verify the facts and in case of any deviation or if the respondents come to the conclusion that the applicant is not

entitled to the benefit claimed, they were granted liberty to pass an appropriate order.

3. Today when the matter is taken up, we are informed by the respondents that the applicant is not entitled to the benefit of one notional increment and, therefore, the Competent Authority has passed a speaking order indicating the reasons as to why the applicant cannot be granted the benefit.

4. As the order passed in the OA on 26th April, 2023, which is sought to be executed, was passed without hearing the respondents and now the respondents have passed a speaking order on 18th November, 2024, a copy of which is placed on the file, we dispose of this MA with liberty to the applicant to challenge the speaking order afresh in accordance with law in case he has any grievance still subsisting. Let a copy of the speaking order be supplied to learned counsel for the applicant.

5. MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

/vks/
MA 5278/2023