

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

8.

MA 5279/2023 in OA 925/2023 -

Sgt Vikas Rai (Retd) & Ors. Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Dhiraj Kumar, Advocate
For Respondents : Mr. S S Sinha, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
11.03.2025

MA 5279/2023

This application has been filed seeking implementation of the order passed in OA No. 925/2023 by this Tribunal on 08.05.2023 in the matter of grant of notional increment to the applicant.

2. The OA was allowed on the very first date without notice to the respondents after condoning the delay. Now, on the last date, respondents in this execution application had produced before us a corrigendum PPO bearing No. 601202204021 issued in favour of applicant No. 1 Sgt Vikas Rai granting benefits to him. As the benefits accruing to Sgt Vikas Rai have already been granted by issuance of the corrigendum PPO, nothing survives as far as this application is concerned. We, therefore, dispose of this application with liberty to the applicant to agitate the matter by representing or seeking recall or restoration of this application in case he has any grievance still subsisting.

3. As far as other two applicants are concerned, the issue was again considered by the Hon'ble Supreme Court in MA Diary No. 2400/2024 in Civil Appeal No. 3933/2023 by a detailed order passed on 20th February, 2025, and the matter has been disposed of in the following terms.

" We are inclined to dispose of the present miscellaneous applications directing that Clauses (a), (b) and (c) of the order dated 06.09.2024 will be treated as final directions. We are, however, of the opinion that Clause (d) of the order dated 06.09.2024 requires modification which shall now read as under:

"(d) In case any retired employee filed an application for intervention/impleadment/writ petition/original application before the Central Administrative Tribunal/High Courts/this Court, the enhanced pension by including one increment will be payable for the period of three years prior to the month in which the application for intervention/ impleadment/ writ petition/ original application was filed.

Further, clause (d) will not apply to the retired government employee who filed a writ petition/original application or an application for intervention before the Central Administrative Tribunal/High Courts/this Court after the judgment in "Union of India & Anr. v. M. Siddaraj"¹, as in such cases, clause (a) will apply.

Recording the aforesaid, the miscellaneous applications are disposed of.

We, further, clarify that in case any excess payment has already been made, including arrears, such amount paid will not be recovered.

It will be open to any person aggrieved by non-compliance with the directions and the clarification of this Court, in the present order, to approach the concerned authorities in the first instance and, if required, the Administrative Tribunal or High Court, as per law.

Pending applications including all intervention/impleadment applications shall stand disposed of in terms of this order

4. Now respondents are required to settle the claim of the applicant in the light of the aforesaid directions of the Hon'ble Supreme Court, accordingly, we dispose of the MA No 5279/2023 with a direction to the respondents to settle the claim of the remaining two applicants i.e., Sgt Vinayak Vikrant and Sgt UK Singh in accordance to the directions issued by the Hon'ble Supreme Court as indicated hereinabove within a period of six weeks.

MA stands disposed of.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


[REAR ADMIRAL SHIREN VIG]
MEMBER (A)

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