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

31.

MA 5420/2024 IN OA 2910/2022

Sgt Ash Narayan Singh (Retd) ..... Applicant
Versus
Union of India & Ors. ..... Respondents

For Applicant : Mr. Nawneet Krishna Mishra, Advocate
For Respondents : Mr. Waize Ali Noor, Advocate

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

ORDER
20.03.2025

MA 5420/2024

Respondents are directed to settle the claim of the applicant now in the light of the order passed by the Hon'ble Supreme Court on 06.09.2024 and clause (d) thereof further modified on 20.02.2025 in MA Diary No.2400/2024 in Civil Appeal No.3933/2023 titled *Union of India & Anr.* Vs. *M. Siddaraj* which reads thus:-

> *"(a) The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 31.04.2023 will not be paid.*
>
> *(b) For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.*
>
> *(c) The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.*

(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.

2. Further, it is essential to reproduce the additional direction of Hon'ble Supreme Court vide their order dated 06.09.2024 which has thus attained finality in deciding cases of similarly placed employees who have approached various Courts and this AFT and also third parties as under:-

"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 Court/ this Court after the judgment in "Union of India & Anr. Vs. Siddaraj", 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."

3. Accordingly, respondents should take note of the directions contained in the aforesaid order passed by the Hon'ble Supreme Court and ensure that the benefit to the applicant who is entitled to the same is granted strictly as

directed by the Hon'ble Supreme Court and submit a report to this Tribunal within a period of two months.

4. Accordingly, the MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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