

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

1.

OA 3725/2025

Lt Col Amit Singh Chauhan (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Shruti Rawat,
Ms. Shruti Limbu,
Ms. Vishakha Vats, Mohd Afjal Khan &
Mr. Prashant Negi, Advocates
For Respondents : Dr. Vijendra Singh Mahandiyan, Advocate
with Ms. Apurva Mahandiyan, Advocate
Maj Abhishek Kumar, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
15.12.2025

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

"a) Call for the records based on which the Respondents have issued the orders including the policy letters dated 25.06.2018 and 20.03.2019 due to which the Applicant along with similarly situated officers has been denied benefit of multiplication factor as prescribed under 7th CPC as well as denial of inclusion of Technical Allowance for the purpose of calculation of DA and Pension and thereafter, quash all such orders.

b) Issue further direction to the Respondents to implement the recommendations of the 7th CPC with respect to Technical Allowances (Tier I and Tier II) and thereafter, revise Revising Tier I Technical Allowance on a monthly basis by applying

the prescribed 2.57 multiplication factor for non-DA indexed allowances (from Rs. 3.000 to Rs. 6.750), effective from 01.01.2016; and

c) Issue further direction to the Respondents for Merging and revising Tier II Technical Allowance into a lump-sum Higher Qualification Incentive, graded based on course relevance and level, by applying the prescribed 2.57 multiplication factor for non-DA indexed allowances (from Rs. 4,500 onward), effective from 01.01.2016.

d) Issue further direction to the Respondents to count the Technical Allowance (both Tier I and Tier II, as revised) as pay for the purpose of computation of Dearness Allowance and pension, at par with the treatment extended to X Group Pay under the Army Pay (Amendment) Rules, 2019.

e) Issue further direction to the Respondents to recompute the Tech-Allowance and pensionary benefits and grant all consequential benefits including the arrears on Technical Allowances in accordance with the methodology prescribed under the 7th CPC and related Government Resolutions based on such revision of Tech Allowance, with effect from 01.01.2016, along with interest at the rate of 9% per annum (or as per prevailing government rates) from the date the amounts became due till actual payment.

f) Pass any other order/orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case."

2. The averments made in the OA vide Paras-4.5 to 4.7 and Paras-4.9 to 4.13 and in the grounds clause-5(B),5(F),5(G),5(K),5(L) and 5(T) reads to the effect:-

"4.5 That the Seventh Central Pay Commission(7th CPC) was constituted by the Government of India vide Resolution No. 1/1/2013-E.III(A) dated 28 February 2014, with the mandate to examine and recommend revisions to pay and allowances, including those applicable to Defence personnel. The Commission

submitted its Report on 19.10.2015, wherein it reviewed all allowances, including Technical Allowance (Tier I and Tier II), and observed systemic disparities between officers and JCOs/ORs in the grant of X Group Pay and other related incentives. The 7th CPC recommended that non-DA indexed allowances, such as Technical Allowance, be revised using the prescribed multiplication factor of 2.25 for pay fixation, ensuring that officers holding higher technical qualifications are not paid less than their subordinates. The Commission further recommended that Tier I Technical Allowance continue to be paid on a monthly basis, whereas Tier II Technical Allowance be merged into a lump-sum Higher Qualification Incentive, graded into five categories based on the relevance and level of technical courses. Despite these recommendations, the Government of India, vide Resolution No. 11-1/2016-IC dated 06 July 2017, decided to continue allowances at existing rates in the pre-revised pay structure pending finalization by the Committee on Allowances, resulting in continued inequities and non-implementation of the CPC-prescribed 2.25 multiplication factor, which aggravated the disparity for officers, including the Applicant, vis-à-vis their subordinates. (page 13-14)

4.6 That the Applicant, vide representation dated 12.07.2017 addressed to the competent authority, highlighted the anomaly arising in the grant of Technical Allowance (Tier I and Tier II) post-implementation of the 7th Central Pay Commission. It was specifically pointed out that while the allowance admissible to officers holding B.Tech qualifications (Tier I) remained fixed at Rs. 3,000/- per month without Dearness Allowance (DA) linkage and without being reckoned for pensionary benefits, the corresponding X-Group Pay admissible to JCOs/ORs with lower or non-technical qualifications stood substantially higher (Rs. 6,200/- with DA for diploma holders and Rs. 3,600/- with DA for non-diploma holders), thereby creating financial and service-related disparities between officers and their subordinates. (page 14)

4.7 That, in response, the Respondents, through the Standing Army Pay Commission Section, Integrated Headquarters of Ministry of Defence (Army), vide their letter dated 03.10.2017 addressed to HQ Northern

Command (EME), which was subsequently forwarded to the Applicant, merely made a bare reference to Government of India Resolution No. 11-1/2016-IC dated 06.07.2017. The said communication merely catalogued eligible courses but conspicuously failed to address or rectify the anomalies highlighted by the Applicant. (Page 14-15)

4.9 That during the pendency of review and decision by the Government authority regarding Technical Allowance, the respondents arbitrarily effected recovery of Technical Allowance (Tier II) from officers with effect from 01.04.2018, without any formal review or Cabinet approval, however, since no new policy on Tier-II was issued, the recovered amount was refunded to the officers but no positive action was taken based on previous recommendations on the subject. (page 15)

4.10 That the Respondents issued the policy letter dated 25.06.2018, however, and despite the recommendations and further Resolution dated 06.07.2017, the Respondents in mechanical manner decided to continue allowances at existing rates in the pre-revised pay structure pending finalization by the Committee on Allowances, resulting in continued inequities and non-implementation of the CPC-prescribed 2.25 multiplication factor, which aggravated the disparity for officers, including the Applicant, vis-a-vis their subordinates. (page 15)

4.11 That the Applicant, being aggrieved by the continuing anomaly. submitted a further representation dated 03.07.2018, reiterating the discriminatory implementation of the 7th CPC with respect to Technical Allowance. In the said representation, the Applicant specifically pointed out that although Technical Allowance (Tier I and Tier II) was classified as a non-DA indexed allowance, it had not been revised by applying the mandated multiplication factor of 2.25. as prescribed for all non-DA indexed allowances under Para 6.2.88 of the 7th CPC, thereby resulting in "no change" from 6th CPC rates. (page 15)

4.12 That upon receiving no reply, the Applicant submitted a detailed representation dated 24.09.2019,

reiterating all previous submissions and highlighting additional anomalies in the implementation of the Seventh Central Pay Commission (7th CPC) with respect to Technical Allowance, including: (i) the failure to apply the prescribed multiplication factor of 2.25 for non-DA indexed allowances, resulting in the continuation of 6th CPC rates; (ii) arbitrary recoveries of Tier II Technical Allowance by PCDA without clarity on the review committee's recommendations or Government approval; (iii) the imposition of an unreasonable "technical deployment" certification requirement for officers, which is not imposed on JCOs/ORs; (iv) the exclusion of Technical Allowance from Dearness Allowance and pensionary benefits despite being qualification-based and taxable, creating inequity with X Group Pay; and (v) inconsistencies in eligibility for X Group Pay vis-a-vis officers already holding higher qualifications, whereby officers with BE/BTech or postgraduate degrees are placed at a disadvantage despite their qualifications exceeding the prescribed norms. That despite repeated representations spanning more than six years, including the comprehensive 24.09.2019 submission, the Respondents have failed to take any corrective action, leaving the anomaly unresolved and perpetuating discrimination against the officer cadre. (Page 16)

4.13 That the Respondents vide their letter dated 20.03.2019, issued a notification by amending the S.R.O, vide which the Group X pay which is granted to the JCOs/Ors was counted as PAY for the purpose of computation of DA and pension, however, the said benefit was not extend to the officers having Technical Qualification and were receipt of Technical Allowance. This policy further aggravated the difference in pay and pensionary benefits between the officers and PBORS who have been granted additional pay and allowance after attaining requisite technical qualification. (Page 16)

4.10 That the Applicant rendered unblemished service from the date of commission, consistently discharging his duties with professional competence, discipline, and dedication, and has successfully completed key professional courses -YO/YTO Tier I on 25.11.2006 and Advance Technical Course Tier II on 11.06.2011 qualifying him for Technical Allowances, yet he was

deprived of his lawful entitlement in accordance with 7th CPC methodology. (Page 17)

4.11 That the Applicant retired from service on 19.04.2025, in the rank of Lieutenant Colonel, without the correction of the long-pending grievance relating to Technical Allowance, resulting in loss of lawful entitlements including arrears, pension contributions, and DA benefits that would have accrued during his tenure. It is also pertinent to mention that unlike the PBORS, the benefit of Technical Allowance was not commuted in the pensionary benefit of the Applicant. (Page 17)

4.12 That the grievance raised in the instant OA is not merely personal, but constitutes a systemic failure in implementing the recommendations of the 7th CPC regarding Technical Allowances. necessitating the intervention of this Hon'ble Court to remedy the anomalies, ensure equitable treatment for the Applicant and similarly placed officers, and uphold the principles of pay parity, fairness, and legality within the Defence Forces and despite repeated representations, the Respondents have failed to rectify the anomaly in the grant of Technical Allowance, thereby leaving the Applicant with no efficacious remedy but to approach this Hon'ble Tribunal by filing instant OA on various grounds as enumerated in succeeding Paras. (pages 17-18)

5(B) BECAUSE the actions of the Respondents are most arbitrary and discriminatory of denying the revised Technical Allowance and non-inclusion of same for calculation of DA as well as Pension in the 7th CPC structure despite explicit recommendations on the subject is illegal, arbitrary and discriminatory as well as the clear instructions issued on the subject. (page 18)

5(F) BECAUSE both X Group Pay and Technical Allowance were originally not DA indexed and were excluded from basic pay under the Army Pay Rules, 2017, which defined "existing basic pay" as pay drawn in the prescribed Pay Band and Grade Pay but explicitly excluded Special Pay. Military Service Pay, Group "X" Pay, and other allowances. While an amendment was made vide letter dated 20.03.2019 to include Group 'X' Pay for computation of

Dearness Allowance and pension(Rule 5, sub rule(3), clause(v) substituted to read: "Group 'X' Pay shall be counted as pay for the purpose of computation of dearness allowance and pension"), no corresponding amendment was made to Technical Allowance. This deliberate omission perpetuates the discriminatory treatment of officers, leaving Technical Allowance outside DA and pension benefits, despite the parity intended under the 7th CPC recommendations.(page 20)

5(G) BECAUSE Non-Practicing Allowance(NPA), like Technial Allowance, is a qualification-based incentive granted to officers possessing specialized professional skills. However, unlike Technical Allowance, NPA is DA-admissible and counted as pay for all service and pensionary benefits, thereby ensuring continuous financial progression with every revision in pay. The Respondents failure to extend similar treatment to Technical Allowance is arbitrary and discriminatory, as both allowances share the same rationale of compensating professional expertise, and such unequal treatment violates the principles of parity and equality enshrined under Articles 14 and 16 of the Constitution of India.(page 20)

5(K) BECAUSE X Pay, Technical Allowance, and Non-practicing Allowance(NPA) are granted full-time to Defence personnels, being continuous and integral components, unlike other allowances such as High-Altitude Allowance(HAA) or deployment-based allowances, which are contingent upon specific postings or conditions.Despite being of the same full-time nature and purpose. Technical Allowance alone has been denied DA linkage and pensionary benefits, whereas X Pay and NPA are counted as pay for computation of Dearness Allowance and pension. Such selective treatment is arbitrary, discriminatory, and inequitable, creating an anomalous situation where officers holding essential technical. qualifications are financially disadvantaged relative to their peers and subordinates, defeating the principles of fairness, parity. and legitimate entitlement envisaged under the 7th Central Pay Commission.(page 22)

5(L) BECAUSE the Respondents, while revising the X Group Pay for JCOS/ORs and incorporating it into basic pay thereby attracting DA and pensionary benefits- failed to revise Technical Allowance for officers in a similar manner, resulting in an anomalous and discriminatory situation where subordinates with lesser qualifications receive higher emoluments than officers holding superior technical qualifications. (page 22)

5(T) Because 7th CPC was constituted by the Government of India vide Resolution No. 1/1/2013-E.III(A) dated 28 February 2014, with the mandate to examine and recommend revisions to pay and allowances, including those applicable to Defence personnel. The Commission submitted its report on 19.10.2015, wherein it reviewed all allowances, including Technical Allowance(Tier I and Tier II), and observed systemic disparities between officers and JCO/Ors in the grant of X Group Pay and other related incentives. The 7th CPC recommended that non-DA indexed allowances, such as Technical Allowances, be revised using the prescribed multiplication factor of 2.25 for pay fixation, ensuring that officers holding higher technical qualifications are not paid less than their subordinates. The Commission further recommended that Tier I Technical Allowance continue to be paid on a monthly basis, whereas Tier II Technical Allowance be merged into a lump-sum Higher Qualification Incentive, graded into five categories based on the relevance and level of technical courses. Despite these recommendations, the Government of India, vide Resolution No. 11-1/2016-IC dated 06 July 2017, decide to continue allowances at existing rates in the pre-revised pay structure pending finalization by the Committee on Allowances, resulting in continued inequities and non-implementation of the CPC-prescribed 2.25 multiplication factor, which aggravated the disparity for officers, including the Applicant, vis-à-vis PBORs.”(page 24-25)

3. Apparently the applicant is aggrieved by the Government of India through the Ministry of Defence not accepting implicitly the recommendations in relation to revisions of the Pay & Allowances qua the Defence Personnel for the Technical Allowances (Tier 1 and Tier-II) creating thus according to the applicant disparities between Officers holding B.Tech qualifications(Tier-I) and JCO/ORs with lower or non-technical qualifications. As observed vide order dated 04.11.2025 in OA 2834/2025 in *Corporal Pawan Kumar Verma vs. UOI & Ors.* and in view of observations of the Hon'ble Supreme Court in *Union of India vs. Indian Navy Civilian Design Officers Association and Anr.* (2023) 19 SCC 482 with specific reference to observations in Paras 20, 21 and 22 thereof, which read to the effect:-

"20. The powers of judicial review in the matters involving financial implications are also very limited. The wisdom and advisability of the courts in the matters concerning the finance, are ordinarily not amenable to judicial review unless a gross case of arbitrariness or unfairness is established by the aggrieved party.

21. In that view of the matter, we are of the opinion that the Tribunal and the High Court had committed gross error in interfering with the pay scales recommended by the Fifth Central Pay Commission and accepted by the appellant for the posts of JDOs and CTOs, and in upgrading the pay scale of JDOs making it equivalent to the pay scale of CTOs.

22. Consequently, the impugned orders passed by the High Court and the Tribunal are quashed and set aside. The appeal stands allowed accordingly."

It is apparent that the prayers made by the applicant in the instant case seek judicial review of matters involving financial implications into which domain we do not consider it appropriate to enter in view of the contours of Sections-14, 15 and Section-3(o) of the AFT Act, 2007.

4. In the circumstances, we hold the present OA to be not maintainable before the Armed Forces Tribunal, but in the interest of justice grant liberty to the applicant to seek such redressal as available in accordance with law.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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