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

12.

OA 825/2025 with MA 1230/2025

Ex Sgt Subodh Kumar ..... Applicant
Versus
Union of India & Ors. ..... Respondents

For Applicant : Mr. Raj Kumar, Advocate
For Respondents : Ms. Sheetal Raghuvanshi, Advocate

CORAM

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

O R D E R
25.03.2025

MA 1230/2025

Keeping in view the averments made in the miscellaneous application and finding the same to be bona fide, in the light of the decision in ***Union of India and others*** Vs. ***Tarsem Singh*** [(2008) 8 SCC 648], the MA is allowed condoning the delay in filing the OA. The MA stands disposed of.

OA 825/2025

2. The matter pertains to the grant of notional increment to the applicant in the light of the law laid down by the Hon'ble Supreme Court vide its judgment dated 11th April, 2023 passed in Civil Appeal No. 2471/2023, titled ***Director (Admn. and HR), KPTCL and Others*** Vs. ***C.P. Mundinamani and Others*** (2023) SCC Online SC

401. Subsequent to the said order being passed, the applications were disposed of by this Tribunal in the light of the aforesaid order. In the meanwhile, a Miscellaneous Application, Diary No. 2400/2024, was filed in Civil Appeal No. 3933/2023, titled ***Union of India & Anr***. Vs. ***M. Siddaraj***. The Hon'ble Supreme Court, while dealing with the issue, passed an interim order on 6th September, 2024 in MA Diary No. 2400/2024 filed in Civil Appeal No. 3933/2023. The operative part of the said order which contains four directions, i.e., (a), (b), (c), and (d) reads as under:

> ***(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 has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petitions and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadement was filed.***

3. Based on the same, this Tribunal had also disposed of the applications for the grant of notional increment.

4. Now, miscellaneous application Diary No. 2400/2024 in Civil Appeal No. 3933/2023 has been finally decided by the Hon'ble Supreme Court on 20th February, 2025 and the final directions, while disposing of the matter, read as under:

> *" 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 modifications, 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 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.*
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> *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."*

5. In view of the above, the claim of the applicant is required to be decided by the concerned authority for the grant of the increment as prayed in accordance with the direction issued by the Hon'ble Supreme Court on 20.02.2025 in miscellaneous application Diary No. 2400/2024 in Civil Appeal No. 3933/2023.

6. Accordingly, the OA is disposed of with a direction to the Competent Authority to take note of the order passed by the Hon'ble Supreme Court on 20th February, 2025 in MA Dy No. 2400/2024 in CA No. 3933/2023, as detailed hereinabove, and settle the claim of the applicant in accordance with the said directions within a period of three months from the date of receipt of a copy of this order.

7. That apart, if, on verification, the respondents find that the applicant is not entitled to the benefit of one notional increment, they are free to take note of the same and decide it by a speaking order.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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