

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

18.

MA 1428/2024 in OA 1786/2022

Sgt Krishna Kant Gupta Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Siddhant Kohli, Advocate with
Mr. Kaustabh Bhattacharjee, Advocate.

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

O R D E R
06.04.2026

MA 1428/2024

This application has been filed for execution of an order passed on 26.08.2022 in OA No. 1786/2022. The applicant late Sgt Krishna Kant Gupta had invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, in the year 2022 and prayed for grant of benefit of pay fixation in accordance to the law laid down by this Tribunal in the case of Wg Cdr Bharat Malik Vs. Union of India and Ors. (OA 1923/2017) and Sub M.L. Shrivastava and Ors Vs. Union of India [O.A No. 1182 of 2018] decided on 03.09.2021.

The application came up for hearing on 26.08.2022 and on the very first day without notice to the respondents the application was allowed and the respondents were directed to give the benefit of most beneficial option in the matter of pay

fixation of the applicant in transition from 6th to 7th CPC based on his rank i.e., Cpl.

Inter alia, contending that the order had not been complied with, this execution application has been filed. However, during the pendency of the execution application, when the matter was taken up by us on 04.02.2026, we were informed that as the original applicant Sgt Krishna Kant Gupta had retired and expired now, his wife would be prosecuting the matter. Time was granted to bring the legal heir on record.

Today, when the matter is taken up, we are informed that the applicant would be filing the application for bringing the legal heir on record during the course of the day. However, on 04.02.2026 when the matter was taken up, we were informed by the respondents that the case of the applicant was examined and it has been found that his pay has already been fixed in the most beneficial option and nothing is further payable to him. Further today, the respondents have brought to our notice the communication received from the Deputy Director AV (Audit & Accounts) along with the details of the pay fixation of the applicant as per the most beneficial option and the pay comparative statement of the applicant. It is stated by the respondents that the applicant was not eligible to any other benefit. This case was processed as per the most beneficial option and payment of arrears of Rs. 22,256/- has already been made to him on 12.09.2025. Further, it is also intimated that the applicant's basic pay even after such pay fixation as on 1st July,

2022 remains the same i.e., Rs. 46,800/- as per the comparative statement attached.

Taking note of all these circumstances, particularly, the fact that the Original Application was disposed of without notice to the respondents and without calling for the reply and now as the applicant has expired, we dispose of the execution application. Taking note of the submissions made by the respondents, we direct that the copies of the communication dated 04.02.2026 along with the details of pay fixation of the applicant and the pay comparative statement be served on to counsel for the applicant. The same be taken note of and in case, legal heir of the applicant is still aggrieved by the manner in which the pay fixation has been done by the respondents, liberty shall be available to them to challenge the same in accordance with law.

With the aforesaid, the MA stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[MS. RASIKA CHAUBE]
MEMBER (A)**

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