

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

76.

MA 162/2026 IN OA 177/2024

ACP Nb Sub Umesh Singh (Retd)	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr. Arvind Patel, Advocate

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

ORDER  
23.03.2026

MA 162/2026

In pursuance to the order passed on 19.01.2026, respondents have not filed any reply and it is stated that the respondents intend to comply with the order passed by this Tribunal and if thought appropriate, they may conditionally comply with the order passed and the Tribunal may pass an appropriate order.

2. Having taken note of the objections raised by the respondents rejecting the claim of the applicant for grant of Notional Increment on the ground that he having obtained Premature Retirement is not entitled to Notional Increment, we find and we have already indicated, *prima facie*, reason in a detailed order passed on 19.01.2026 to say as to how and

in what manner the said contention is not correct. We have also passed a detailed order in identical matters and the similar issue has been considered and decided by this Tribunal in the following manner in the order passed on 28.11.2025 which reads as under:

*“4. In our considered view, the right for denying increment to a person who has earned increment as per contract of service is only available to the departmental authorities when increment is curtailed or denied to a person by way of punishment for acts of omission or commission (misconduct committed by him) under the service rules. Merely because a person seeks voluntary retirement, voluntary resignation or voluntary discharge from service, the increment earned by him having worked for the preceding 12 months cannot be curtailed. The manner of termination of the contract of service will not determine the entitlement for increment of a person. The increment having been earned by a person for working for 12 months becomes a property under Article 300(a) of the Constitution and it can only be curtailed or taken away in accordance with the rules and regulations applicable. No rule rules or regulation is brought to our notice which contemplates that if a person takes voluntary retirement, resignation or voluntary discharge, he is not entitled to increment. That being so, the speaking order passed by the respondents, in our considered view, is unsustainable in law and cannot be maintained and, therefore, in exercise of the suo moto powers available to us, the speaking order passed by the respondents on 30.07.2025, in the present case, for the reasons indicated hereinabove, is quashed and the respondents are directed to pay increment to the applicant within thirty days from today.”*

3. In view of the above, we reject the order passed by the respondents refusing to pay notional increment to the applicant and direct them to pay notional increment as directed in OA 177/2024. The reasons contained in our order dated 19.01.2026 to hold the policy and circular of the

MoD dated 23.06.2025 to be unsustainable in law holds the field in the light of the findings recorded hereinabove. Respondents are directed to ensure compliance of the order and pay increment to the applicant within a period of three months.

4. Accordingly, the MA stands disposed of.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

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