

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

20.

MA 601/2026 in OA 1983/2025

Gp Capt G Mahesh Kumar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Shruti Singh, Advocate for
Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Anil Gautam, Sr CGSC
Sgt Dharmendra Kumar, AFCAO, Legal
Cell

CORAM

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

ORDER
09.02.2026

The applicant vide the present application has made the following prayers:~

*“a. Modify and/or correct the order dated 17.07.2025 passed in O.A. No. 1983/2025 by directing the respondents to review and fix the pay of the applicant from the stage of the 5th Central Pay Commission, and thereafter to re-fix the pay under the 6th and 7th Central Pay Commissions in a manner most beneficial to the Applicant;
b. Direct the Respondents to grant all consequential benefits, including arrears, arising out of such re-fixation, within a time frame as may be deemed fit by this Hon'ble Tribunal;
c. To pass any such direction as deemed fit by the Hon'ble Tribunal in the facts and circumstances of the case.”*

2. It is essential to observe that vide order dated 17.07.2025, OA 1983/2025 was allowed with directions to the respondents vide Para-11 thereof to the effect:~

"11. In the light of the above considerations, the OA 1983/2025 is allowed and the respondents are directed to:

- (a) Review the pay fixed of the applicant under the 6th CPC after due verification in a manner that is most beneficial to the applicant while ensuring that the applicant is not drawing less pay than his coursemate/junior.*
- (b) Thereafter, re-fix the applicant's pay on transition to 7th CPC and subsequent promotion(s) in a most beneficial manner.*
- (c) To pay the arrears within three months of this order."*

3. It is further essential to observe that the prayers in OA 1983/2025 in Para-8(a) to (d) read to the effect:-

- "(a) To direct the respondents to resolve the anomaly in the pay of the applicant as per the most beneficial option.*
- (b) To direct the respondents to fix the basic pay of the applicant and fix pay in a manner that is most beneficial to the applicant and other allowances wef 01.01.2006(VIth CPC), 16.12.2004(Wg Cdr), 01.01.2016(VIIth CPC) and 03.01.2017(Gp Capt).*
- (c) To direct the respondent to pay @12% interest on the arrears accrued to the applicant.*
- (d) To pass any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper anytime during the proceedings of this case."*

4. Apparently, there was no prayer whatsoever made by the applicant seeking any fixation of pay as most beneficial in the 5th CPC in the OA. In view thereof, it is apparent that there is no error in the order dated 17.07.2025 in OA 1983/2025 of which any review can be made. Counsel for the applicant seeks to withdraw the present application seeking liberty to seek redressal

afresh in accordance with law. The application MA 601/2026 is
dismissed as withdrawn with liberty granted as prayed.


(JUSTICE ANU MALHOTRA)
MEMBER (J)


(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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