

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

MA 663/2026 IN OA 760/2020

Sub Ravinder Kumar ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. S.S. Pandey, Advocate  
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

WITH

MA 830/2026 IN OA 2222/2022

Ex Hav (Clk) Atul Kumar Singh Bhadoria ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Rajiv Manglik, Advocate  
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON; CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

These MAs have been filed by the applicants seeking modification of our final order dated 30.01.2026 passed in batch matters, on the ground that the applicants have substantial years of service left to serve in the officer's rank, and that the consequential relief granted in the form of notional commission, should be modified to grant them re-instatement in service.

2. On a perusal of records, we find that the Date of Birth of the applicant No.1 is 22.11.1975, meaning that as on the date of hearing, he has completed 50 years of age, whereas his Date of enrollment is 22.11.1975 and Date of Retirement is 30.04.2022. With the retirement age of PC (SL) RO officers being till they complete 57 years of age, we find that the applicant has substantial service left to render in the officer's rank.

3. At the same time, we have examined the records of another applicant before us Hav/Clk Atul Kumar Bhadauria, wherein we find that his present age is almost 44 years, meaning that he has almost 13 years of substantial service left to render in the officer's rank.

4. From the judicial records, it is clear that the merit list for the PC (SL) RO-2016 category was released on 20.04.2017, aggrieved by which applicant Sub Ravinder Kumar has filed an OA 748/2017, and Hav/Clk Atul Kumar Bhadauria has filed OA 323/2018, both of which were disposed off vide common order of this Tribunal dated 21.02.2019, directing the applicants to place their grievance before the competent authority, in compliance of which, Sub Ravinder Kumar filed the stat complaint dated 31.01.2019, which was rejected on 18.11.2019, and

similarly, Hav/Clk Atul Kumar Bhadauria filed the stat complaint dated 30.01.2019 which was rejected on 19.02.2020, showing that both the original applicants were part of the litigation since the grievance arose.

5. Aggrieved by aforesaid rejection of the stat complaints, both of the original applicants have preferred the OAs – OA 760/2020 filed by Sub Ravinder Kumar on 10.06.2020 and OA 2222/2020 filed by Hav/Clk Atul Kumar Bhadauria on 23.09.2022. While Sub Ravinder Kumar retired from service on 30.04.2022, during the pendency of the OA, Hav/Clk Atul Kumar Bhadauria took premature retirement on 19.10.2020.

6. It is a settled law laid down by the judicial fora in a catena of cases that no employee shall suffer due to the finalization of litigation taking long time and that they shall be entitled to *restitutio in integrum*, which mandates that employees are entitled to restoration of their original position, has there been no litigation, and thus, we are of the considered opinion that the applicants in the aforesaid MAs – Sub Ravinder Kumar and the original applicant Hav/Clk Atul Kumar Bhadauria, are entitled to restoration of their original position. With respect to the concern that Hav/Clk Atul Kumar Bhadauria has taken premature

retirement from service, we find that this premature retirement will not overrule his fundamental right of fair consideration bestowed upon him for which he has been continuously agitating before the Respondents and this Tribunal.

7. In view of the aforesaid facts, and the averments made by Mr. S.S. Pandey, learned counsel for the applicant, we find that this is a fit case for exercising our powers under S. 14(4)(f) of the Armed Forces Tribunal Act, 2007 to review and substitute our directions recorded in Para 28 of our final order dated 30.01.2026, while passing fresh directions in substitution as under:

(a) The vacancies of PC (SL) RO -2016 batch shall be treated as 10 vacancies instead of 7. The vacancy kept in abeyance for Nb Sub Vinod Prasad shall not be deducted from the present batch, as the same was not reflected in the original recruitment notification. Consequently, the applicants in OA 766/2020, OA 760/2020 and OA 2222/2020 who are placed at Sl. No. 8, 9 and 11 are entitled to be detailed for pre-commissioning training as PC(SL) RO.

(b) The applicant in OA 766/2020 Dfr Satendra Kumar, already being in service shall be detailed for pre-

commissioning training in the earliest available batch, subject to fulfillment of all other eligibility conditions for commission, if not already done.

- (c) The applicants in OA 760/2020 Sub Ravinder Kumar and OA 2222/2020 Hav/Clk Atul Kumar Bhadauria, who have been released from service shall be reinstated back into the service. The formalities for their reinstatement shall be completed within a period of eight weeks from the date of pronouncement of this order, including pre-commission training medical examination, if any.
- (d) This whole process of reinstatement, medical examination and issuance of call letters for pre-commissioning training should not cross the threshold of three months from the date of receipt of this order.
- (e) Noting that the intervening period of litigation is more than 9 years, the applicants shall be granted notional seniority with respect to rank and pensionary benefits at par with their original batch of commissioning, only at the time of their release/retirement from service.

- (f) However, they shall not be entitled to hold reckonable seniority with the original batch at the time of grant of commission, and thus, shall be promoted in their usual course, in equivalence to the next batch available.
- (j) Applicant in OA 766/2020 Dfr Satendra Kumar shall not be entitled to pay or allowance of officer's rank and applicants in OA 760/2020 Sub Ravinder Kumar and OA 2222/2020 Hav/Clk Atul Kumar Bhadauria shall not be entitled to any additional emoluments other than what is entitled to them in the present rank as pay or pension, for the intervening period, as per the principle of 'no pay for no work', since they have not served in the said rank. However, Respondents shall not recover any pay or allowance earned by the applicants by virtue of their past service.
- (k) Further, Respondents are directed to permit the applicants to deposit all post retirement benefits, while the pension already paid to the applicants, shall be adjusted from the salary of the applicant, with the balance to be paid as monthly salary, after deducting monthly pension for each month.

8. The aforesaid directions shall stand substituted in Para 28 of our final order dated 30.01.2026, with which both the MAs- MA 663/2026 and MA 830/2026 are disposed of.

9. No order as to costs.

10. Pending miscellaneous applications, if any, stands disposed of accordingly.

Pronounced in the open Court on this 10<sup>th</sup> day of April 2026.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]  
MEMBER (A)**

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