

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

34.

OA 2369/2025

NK Raju Sharma (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Shruti Rawat, Mr. Prashant Negi &
Mr. Chandan Kumar, Advocates

For Respondents : Mr. Shyam Narayan, Advocate
Maj Abhishek Kumar, OIC, Legal Cell

CORAM

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

O R D E R
05.01.2026

MA 5218/2025

This is an application filed on behalf of the respondents for condonation of delay of 17 days in filing the counter affidavit. In view of the reasons explained in MA and in the interest of justice, the MA 5218/2025 is allowed and the delay in filing the counter affidavit is condoned.

OA 2369/2025

Counter affidavit of the respondents is taken on record.

2. The prayers made by the applicant vide the present OA was to the effect:-

"a. Direct the Respondents to grant the benefit of Second financial up-gradation for the rank of Hav grade under Modified Assured Career progression (MACP) on completion of 16 years of regular service w.e.f 21.09.2016 along with all consequential and retiral benefits.

b. Direct the Respondents to pay the due arrears with interest @12% per annum from the date of authorization of MACP till final payment to the Applicant.

c. To issue/pass any other order or direction as this Hon'ble Tribunal may deem just, fit and proper under the circumstances of the case in favour of the Applicant."

3. The averments made in Para-4 of the counter affidavit filed by the respondents read to the effect:-

"4. That in reply to the contents of Para 4 (4.2 to 4.6) of the subject OA It is submitted that the Applicant has moved to the Hon'ble Tribunal without approaching concerned authority i.e., Records The Bihar Regiment. It has observed that 2nd Modified Assured Career Progression Scheme (MACPs) for the rank of Havildar grade was due to the Applicant with effect from 21 Sep 2016 after completion of 16 years qualifying service. The Applicant has already been granted MACP-II (2nd Modified Assured Career Progression) for the rank of Havildar grade with effect from 21 Sep 2016 vide 11 BIHAR Part II Order No 0/0135/0025/2017. Subsequently, Records The Bihar Regiment processed the claim for grant of 2nd Modified Assured Career Progression Scheme (MACPs) for the rank of Havildar grade through SPARSH for notification of corrigendum Pension Payment Order. The same was notified by the Principal Controller of Defence Accounts (Pension) Prayagraj vide Pension Payment Order No 213201700063."

whereby the respondents state that the applicant has already been granted MACP-II for the rank of Havildar with effect from 21.09.2016 vide 11 BIHAR Part II Order No 0/0135/0025/2017. Counsel for the applicant affirms the same and under instructions from the applicant seeks to withdraw the same. In view of the Vakalatnama of the counsel for the applicant

placed at Page-92 of the OA, the prayer is allowed and the OA 2369/2025 is dismissed as withdrawn as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

TS