

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

3.

OA 689/2026 with MA 910/2026

Sep Ajaz Ahmad Tantary (Retd) & Ors. .... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Nawneet Krishna Mishra, Advocate  
For Respondents : Ms. Shivani Kumari, Advocate  
Maj Abhishek Kumar, OIC Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER  
25.02.2026

MA 910/2026 has been filed by the 20 applicants seeking to join together to institute the present OA submitting to the effect that they all are aggrieved by a similar cause of action by the office memorandum dated 23.04.2020 and that they seek quashing of the freezing of the DA/DR at 17% for the period from 01.01.2020 to 30.06.2021 and further seek directions to the respondents to pay DA/DR at 28% along with arrears and consequential benefits i.e. Enhanced Leave Encashment and Gratuity. Taking into account the factum that the applicants are all aggrieved by the similar cause of action, the prayer made by the 20 applicants to join together to institute the present OA is allowed. An application MA 910/2026 is disposed of accordingly.

2. The 20 applicants vide the present OA make the following prayers:-

*“(a) To quash the freezing of DA/DR @17% for the period 01.01.2020 to 30.06.2021.*

*(b) To direct Direct respondents to pay DA/DR @28% with appropriate arrears and all other consequential benefits viz, Leave encashment alongwith Gratuity.*

*(c) To pass any other order or direction in favor of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.”*

3. Notice of the same is issued to the respondents and it has been vehemently submitted by the respondents placing reliance on the impugned document dated 23.04.2020 which reads to the effect:-

*“The undersigned is directed to say that in view of the crisis arising out of COVID-19, it has been decided that the additional installment of Dearness Allowance payable to Central Government employees and Dearness Relief to Central Government pensioners, due from 1st January 2020 shall not be paid. The additional installments of Dearness Allowance and Dearness Relief due from 1st July 2020 and 1st January 2021 shall also not be paid. However, Dearness Allowance and Dearness Relief at current rates will continue to be paid.*

*2. As and when the decision to release the future installment of Dearness Allowance and Dearness Relief due from 1st July 2021 is taken by the Government, the rates of Dearness Allowance and Dearness Relief as effective from 1st January 2020, 1st July 2020 and 1st January 2021 will be restored prospectively and will be subsumed in the cumulative revised rate effective from 1st July 2021. No arrears for the period from 1st January 2020 till 30th June 2021 shall be paid.*

*3. These orders shall be applicable to all Central Government employees and Central Government pensioners.”,*

to submit to the effect that it has been categorically stated therein that the dearness allowance to the central Government employees and the dearness relief to the Central Government pensioners is not to be paid for the period from 01.07.2020 and 01.01.2021.

4. It is essential to observe that this office memorandum dated 23.04.2020 has been issued to all Ministries/Departments of the Government of India as per standard distribution and as seen in serial No. 3 of this document, the Ministry of Defence is arrayed, and thus this office memorandum applies also to the Ministry of Defence.

5. It is essential to observe that vide order dated 09.02.2026 in OA 445/2026 in the case of *Sep Tariq Ahamd Dar (Retd) vs. Union of India & ors.*, the very same issue has substantially been considered by this Tribunal and it has been observed to the effect vide paras 3, 4 and 5 thereof to the effect:-

*3. Though on behalf of the applicant reliance is sought to be placed on a document no. 1/4/2021-E.11(B) dated 25.10.2021, the same relates to the enhancement of the Dearness allowance from the existing rate of 28% to 31% of the Basic Pay with effect from 01.07.2021 and does not at all relate to the freezing of the DA and DR for the period from 01.01.2020 to 30.06.2021 in terms of the document no. 1/1/2020-E-II(B) dated 20.07.2021 referred to herein above. The said document impugned by the applicant relates to the fiscal policy of the Government of India as applicable also to the Ministry of Defence to whom the said document has been issued at Sr. no. 3 in the letter dated 23.04.2020.*

*4. In view of the verdict of the Hon'ble Supreme Court in Union of India vs. Indian Navy Civilian Design Officers Association and Another (2023) 19 SCC 482 and the observations therein in Paras-20 to 22 thereof to the effect:-*

*“20. The powers of judicial review in the matters involving financial implications are also very limited. The wisdom and advisability of the courts in the matters concerning the finance, are ordinarily not amenable to judicial review unless a gross case of arbitrariness or unfairness is established by the aggrieved party. 21. In that view of the matter, we are of the opinion that the Tribunal and the High Court had committed gross error in interfering with the pay scales recommended by the Fifth Central Pay Commission and accepted by the appellant for the posts of JDOs and Page 4 of 4 CTOS, and in upgrading the pay scale of b JDOs making it equivalent to the pay scale of CTOS. 22. Consequently, the impugned orders passed by the High Court and the Tribunal are quashed and set aside. The appeal stands allowed accordingly.”*


*We are of the considered view that the matters involving financial implications, are ordinarily not amenable to judicial review as held by the Hon’ble Supreme Court unless a gross case of arbitrariness or unfairness is established by the aggrieved party. In the instant case, the document impugned by the applicant is applicable across the Board to all Ministries/ Departments of the Government of India, Ministry of Railways, Ministry of Defence and to all Central Government employees and to all Central Government pensioners. Thus, the applicant is not singly differentiated against.*


*5. In view of the verdict of the Hon’ble Supreme Court in Union of India vs. Indian Navy Civilian Design Officers Association and Another (2023) 19 SCC 482 adhered to by this Tribunal vide order dated 15.05.2025 in OA 3725/2025 in Lt Col Amit Singh Chauhan (Retd) vs. UOI & Ors. and 04.11.2025 in OA 2834/2025 in Corporal Pawan Kumar Verma vs. UOI & Ors., we hold the present OA to be not maintainable before the Armed Forces Tribunal as it does not fall within the contours of Sections-14, 15 and Section-3(o) of the AFT Act, 2007.”*

6. Though the prayer made in relation to the payment of DA/DR at the rate of 28% with appropriate arrears and other consequential benefits is different from prayer clause (b) in

OA 445/2026 in which the prayer was in relation to payment of DA/DR at the rate of 31% with appropriate arrears and other consequential benefits namely Leave Encashment along with gratuity, nevertheless the matter in issue is substantially the same as was in OA 445/2026 disposed of vide order dated 09.02.2026 by this Tribunal and is no more *res integra*.

7. Thus, in view of the verdict of the Hon'ble Supreme Court in *Union of India and Ors. vs. Indian Navy Civilian Design Officers Association and another* (2023) 19 SCC 482 adhered to by this Tribunal vide order dated 15.05.2025 in OA 3725/2025 in *Lt Col Amit Singh Chauhan (Retd.) vs. Union of Indian & Ors.* and order dated 04.11.2025 in OA 2834/2025 in *Corporal Pawan Kumar Verma vs. Union of India & Ors.* as also adhered to by this Tribunal vide order dated 09.02.2026 in OA 445/2026 referred to hereinabove, we hold that the present OA is not maintainable before the Armed Forces Tribunal and does not fall within the contours of Sections-14, 15 and Section 3(o) of the AFT Act, 2007. In the interest of justice, however we grant liberty to the applicant to seek redressal as available in accordance with law.

  
(JUSTICE ANU MALHOTRA)  
MEMBER (J)

  
(LT GEN C.P. MOHANTY)  
MEMBER (A)