

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

6.

OA 783/2026

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

For Applicant : Mr. Ajit Kakkar &
Ms. Eti, Advocates
For Respondents : Mr. Avdhesh Kumar Singh, Advocate
Gp Capt AK Malik, Wg. Cdr Sahil Singh
and JWO Kunal Naresh, AFCAO legal cell

CORAM

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

ORDER
11.03.2026

The applicant vide the present OA makes the following prayers:-

"8(a) To direct the Respondents to resolve the anomaly in the pay of the Applicant as per most beneficial option.

(b) To direct the respondents to revise the pay of the applicant upon his promotion to the rank of Sqn Ldr and Wg Cdr in 5th CPC from the retrospective date in a manner which was more beneficial to him and thereafter, carry out necessary fixation of his pay in the 6th CPC & 7th CPC w.e.f. 01.01.2006 & 01.01.2016 on the basis of such most beneficial revised pay.

(c) To direct to re-fix his pay in the 6th and 7th CPC and subsequent promotion(s) with the most beneficial option.

(d) To direct the Respondents to pay 12% interest on the arrears accrued to the Applicant.

(e) To pass any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper anytime during the proceedings of this case."

2. Notice of the OA is issued and accepted on behalf of the respondents.

3. The records indicate that as averred by the applicant and not refuted on behalf of the respondents, OA 1983/2025 was filed by the very same applicant was disposed of vide order dated 17.07.2025 with directions therein to the effect:-

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

(i) 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.

(ii) Thereafter, re-fix the applicant's pay on transition to 7th CPC and subsequent promotion(s) in a most beneficial manner.

(iii) To pay the arrears within three months of this order.”

4. It is the submission of the applicant placing reliance on the documents placed as Annexure A-1 dated 22.08.2016 to which is also attached the document dated 21.10.2016 (at page 39) wherein it is stated to the effect:-

“1. Reference is made to your HQ letter no AFND/408/1/P2 dt 22 Aug 16.

2. It is intimated that the above named officer promoted to the rank of Wg Cdr wef 16 Dec 2004 and his pay has been fixed from the date of promotion to the higher rank. Whereas, Gp Capt V Deivaraj (21083-G) has exercised option for fixation of his pay from his DNI (date of next increment) to the lower rank wef 01 Mar 2005 instead of 16 Dec 2004, accordingly his pay was fixed from DNI.

3. It is requested to apprise officer accordingly.”

5. Apparently the applicant has been deprived of the benefits granted vide order dated 17.07.2025 in OA 1983/2025 in view of non-fixation of the applicant's pay as per the most beneficial

option from the 5th CPC and with corresponding necessary fixation of the pay in the 6th CPC and 7th CPC w.e.f 01.01.2006 and 01.01.2016 on the basis of the most beneficial revised pay.

6. In the circumstances the prayers and the aspects that the prayers made vide OA 1983/2025 by the very same applicant were allowed vide order dated 17.07.2025 as directed therein vide paragraph 11 reproduced hereinabove, the OA is allowed with directions to the respondents to revise the pay of the applicant on the promotion to the rank of Sqn Ldr and Wg Cdr from the 5th CPC respective date in the manner most beneficial to him and to thereafter carry out the necessary re-fixation of his pay from the 6th CPC and 7th CPC w.e.f. 01.01.2006 and 01.01.2016 on the basis of most beneficial revised pay so that there is compliance of directions dated 17.07.2025 in OA 1983/2025. The OA is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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

AP/AK