

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

44.

OA 849/2021 with MA 899/2021

Ex Hav Aishvir Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Virender Singh Kadian, Advocate
For Respondents : Mr. Neeraj, Sr CGSC with
Mr. Sanjay Pal, Advocate
Capt Isha Mehrotra, OIC, Legal Cell

CORAM

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

ORDER
12.03.2026

OA 849/2021 was filed by the applicant with the following prayers:-

*“(a) Direct respondents to grant pay and allowances of rank of Naib Subedar Grade Pay Rs. 4200/- wef 14.04.2008 to til date of retirement and fix service pension wef 01.05.2008 and retiral benefits by granting benefit of 3rd MACP of the rank of Naib Subedar to the applicant in terms of Govt of India, Min of Defence letter No. 14(1)/99-D(AG) dated 25.07.2018 and to pay the due arrears with interest @12% p.a. And/or
(b) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case.”*

2. The averments made in Para-(d) of the counter affidavit of the respondents in page-50 read to the effect:-

“D. That consequent upon dismissal of Civil Appeal Diary No 3744 of 2016 filed by UOI vs. Balbir Singh Turn & Others by the Hon'ble Supreme Court vide their order dated 08.12.2017, competent authority vide their letter No. 14(1)/99D(AG) dated 25.07.2018, has issued amendment to the policy making the benefits

admissible with effect from 01.01.2006. Accordingly, occurrence regarding 3rd MACP(Naib Subedar Grade) in respect of the Applicant was published vide EME Records Part-II Order No. 1/1461/0016/2019 dated 01.04.2019 and LPC-cum-Data sheet was processed to PCDA(P) Allahabad through special courier for issue of corrigendum PPO. Now the PCDA(P) Allahabad has issued corrigendum PPO granting MACP 3rd(Naib Subedar Grade) to the Applicant vide their PPO No 188200805789-0108 dated 29.06.2020. The same were forwarded to Applicant and PDA concerned vide EME Records letter No 14567017/SP(MACP)/Pen dated 19.09.2020. However, in the instant case, delay in granting the benefits to the applicant on account of involvement of various agencies(i.e.EME Records, PAO(OR) and PCDA(P) Allahabad) and the undergoing pandemic COVID-19 under which the country was lockdown till May 2020. Thereafter all efforts were made by these agencies to clear the case on fact track basis."

3. On behalf of the applicant has been submitted copy of the new PPO no. 188200805789 to submit to the effect that the applicant's prayers have been redressed and he has been given the benefits of ACP-1 Havildar and it is submitted by the counsel for the applicant that he seeks to withdraw the OA 849/2021 with accompanying application which is dismissed and withdrawn as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)