

**ARMED FORCES TRIBUNAL
REGIONAL BENCH
JABALPUR**

17 July, 2023

CORAM :

**HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN GOPAL R, MEMBER (A)**

18.

OA 52/2023 WITH MA 148/2023

**JC No. 731869W Hon Lt. Shailendra Kumar (Retd),
S/o Late Shri Siya Ram,
R/o H No 2542/4B
Anuradha Colony, Dhobighat Bagicha
PO Tamar Bhita, District - Jabalpur (MP).**

.....Applicant

Versus

- 1. Union of India,
Through the Secretary,
MoD, Govt. of India, New Delhi.**
- 2. COAS
IHQ of MoD (Army),
DHQ Post Office, New Delhi.**
- 3. The Officer-in-Charge,
AOC Records, Secunderabad
PIN- 900453 C/o 56 APO.**
- 4. PAO (OR)
AOC, Secunderabad
PIN- 900453 C/o 56 APO.**
- 5. PCDA(P)
Draupadi Ghat, Allahabad(U.P.)**

.....Respondents

For Applicant : Mr HC Singh & Mr Maneesh Kholia,
Advocates

For Respondents : Mr. RK Jaiswal, CGSC

ORDER

MA 148/2023

Keeping in view the averments made in the miscellaneous application and finding the same to be bonafide, in the light of the decision in *Union of India and others Vs. Tarsem Singh* (2008) 8 sec 648, the same is allowed condoning the delay in filing the O.A.

OA 52/2023

2. In this OA, the only question that arises for consideration is as to whether an employee who retired on 30th June of a year is entitled to be extended the benefit of increment that falls due on 1st July of that year. The applicant in this case, though enrolled on **Indian Army** on **27.06.1991** and discharged from service on **30.06.2021**. He was denied increment that fell due on **01.07.2022** on the ground that after the 7th Central Pay Commission, the Central Government fixed 1st

July/ 1st January as the date of increment for all Government employees and he was no more in service.

3. At the admission stage itself we are disposing off the case in view of the settled law position on grant of increments, as the issue involved in the matter stands concluded by the judgement rendered by the Hon'ble Supreme Court in *Civil Appeal 2471/2023, decided on 11.04.2023 in Director (Admn. And HR) KPTCL & Ors Vs CP Mundinamani & Ors*. We direct the respondents to decide the claim of the applicant for grant of increment for the period **1st July, 2020 to 30th June, 2021 and consequential dues flowing from the same**. To be complied within a period of two months from the date of receipt of copy of this order.

4. The OA is **disposed off**. There shall be no order as to costs.

(LT GEN GOPAL R)
MEMBER (A)

(JUSTICE RAJENDRA MENON)
CHAIRPERSON

A/L