

**ARMED FORCES TRIBUNAL  
REGIONAL BENCH  
JABALPUR**

**20 July, 2023**

**CORAM :**

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

**Supplementary 10.**

**OA 72/2023 With MA 207/2023**

**No. 13981516W Hav Shuk Bindra Prasad Mishra (Retd),  
S/o Shri Gajanand Prasad Mishra  
R/o H. No. 10 Pawansut Colony,  
Kajarwara Road, Dhobighat Near Water Works  
District – Jabalpur (M.P.).**

**.....Applicant**

**Versus**

- 1. Union of India,  
Through the Secretary,  
MoD, Govt. of India, New Delhi.**
- 2. COAS  
IHQ of MoD (Army)  
New Delhi.**
- 3. The OIC,  
AMC Records, Lucknow (U.P).**
- 4. PAO (OR)  
AMC, Lucknow (U.P).**
- 5. PCDA (P)  
Draupadi Ghat, Praygraj.**

**.....Respondents**

**For Applicant** : Mr. Arya Bhatt, Advocate

**For Respondents** : Mrs. Kanak Gaharwar, CGSC

**ORDER****MA 207/2023**

1. 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 SCC 648, the same is allowed condoning the delay in filing the O.A.

**OA 72/2023**

2. In this OA, the only question that arises for consideration is as to whether an employee who retired on 30<sup>th</sup> June of a year is entitled to be extended the benefit of increment that falls due on 1<sup>st</sup> July of that year. The applicant in this case, though enrolled on **Indian Army** on **28.06.1990** and discharged from service on **30<sup>th</sup> June, 2016**. He was denied increment that fell due on **1<sup>st</sup> July, 2016** on the ground that after the 7<sup>th</sup> Central Pay Commission, the Central Government fixed 1<sup>st</sup> July/ 1<sup>st</sup> January as the date of increment for all Government employees and he was no more in service.

3. Considering the fact that the issue involved in the matter with regard to grant of increment 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*, at the admission stage itself, we direct the respondents to decide the claim of the applicant for grant of increment for the period **1<sup>st</sup> July, 2015 to 30<sup>th</sup> June, 2016 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 **allowed**. No order as to costs.

(LT GEN<sup>l</sup> GOPAL R)  
MEMBER (A)

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON