

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A.No.74 of 2011

THURSDAY, THE 15TH DAY OF DECEMBER, 2011/24TH AGRAHAYANA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGHAPERUMAL ADITYAN, MEMBER (J)
HON'BLE LT. GEN. THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

HAVILDAR M. THANGAVELU, No.7775102 'L',
AGED 45 YEARS, HQ COY
CMP CENTRE & SCHOOL,
PIN – 900 439. C/O.56 A.P.O.

APPLICANT

BY ADV. SRI.V.K.SATHYANATHAN.

VERSUS

1. UNION OF INDIA, REP. BY ITS SECRETARY,
MINISTRY OF DEFENCE,
SOUTH BLOCK, NEW DELHI – 110 011.
2. THE CHIEF OF THE ARMY STAFF
ARMY HEAD QUARTERS,
NEW DELHI – 110 001.
3. THE ADJUTANT GENERAL
ADJUTANT GENERAL'S BRANCH
INTEGRATED HEAD QUARTERS (ARMY),
NEW DELHI – 110 011.
4. THE COMMANDING OFFICER
HQ COY, CMP CENTRE & SCHOOL,
PIN – 900 439, C/O.56 A.P.O.
5. THE COMMANDING OFFICER
AEC TRAINING COLLEGE AND CENTRE,
PACHMARHI (M.P) – 461 881.
6. THE OFFICER-IN-CHARGE RECORDS
RECORDS THE CMP CENTRE & SCHOOL,
PIN – 900 439, C/O.56 A.P.O.

RESPONDENTS

BY ADV. SRI.K.M.JAMALUDHEEN, SR. PANEL COUNSEL.

INTERIM ORDER

A.C.A. Adityan, Member (J)

Heard the learned counsel appearing on both sides. On behalf of the respondents, a communication from the AFT Legal Cell dated 21/11/2011 was filed, wherein it has been observed that the applicant Thangavelu M No.7775102L Havildar (Musician) of CMP Centre has been promoted to the rank of Naib Subedar. The promotion order dated 21/10/2011 annexed with the above referred document reads as follows:-

“Promotion will be executed subject to presence of the NCO on duty in unit in case, he is not present on the date of promotion, he will be promoted with effect from the date of physical joining of duty. His seniority will, however, reckon from the date of vacancy without effect on pay and allowances.”

2. The learned counsel appearing for the applicant would contend that the applicant is entitled to get his pay in the rank of Naib Subedar from the date of fixing his seniority. To clarify this position only if the applicant files the pay slip this Tribunal will be in a position to know from which date onwards his pay was fixed in the rank of

O.A.No.74/2011.

3

Naib Subedar. For filing the pay slip of the applicant, post on
19/1/2012.

Sd/-
LT.GEN.THOMAS MATHEW
MEMBER (A)

Sd/-
JUSTICE A.C.A.ADITYAN
MEMBER (J)

mds/

(True copy)

Private Secretary