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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5477/2024, CM APPL. 22575/2024

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Vineet Dhanda, CGSC with Mr. Aditya Kashyap, Mr. Abhishrut Singh, Mr. Kartik K. Sood and Mr. Abhijit Singh Kadyan, Advs. with Major Anish Muralidhar, Army.

versus

COL RAJESH SUREDIA (RETD.)

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

14.08.2024

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1. The present writ petition under Article 226 of the Constitution of India has been filed assailing the order dated 24.08.2022 passed by the learned Armed Forces Tribunal [Tribunal] in O. A. No. 2857/2021.
2. Vide the impugned order, the learned Tribunal has allowed the O.A with the following directions to the petitioners:-

“15. In the light of the above consideration, we find that the applicant prima facie has a case and the balance of convenience too is in his favour. We therefore, allow the OA and direct the Respondents to

(a) Review the pay fixed of the applicant on promotion to the rank of Lt Col in Dec 2004 under the 5th CPC and after due verification re-fix his pay in a manner that is most beneficial to



the applicant.

(b) Re-fix the applicants' pay on transition into 6th CPC with the most beneficial option, while ensuring that the applicants do not draw less pay than their juniors.

(c) Re-fix the applicants' pay on transition to 7th CPC and subsequent promotion and retirement accordingly.

(d) All pending similar cases pertaining to pay fixation on promotion in 5th CPC with' the most beneficial option be similarly reviewed and pay refixed.

(e) Pay the arrears within three months of this Order and submit a compliance report.”

3. After detailed arguments, learned counsel for the petitioners submits that taking into account that the directions issued by the learned Tribunal for reviewing the pay fixation qua all similarly placed persons as the respondents would involve examining of voluminous record, the exercise to comply with paragraph 15(d) of the order is likely to take at least further six weeks' time.

4. In the light of this explanation given by the petitioners, we grant further six weeks' time to the petitioners to comply with the directions issued in the impugned order.

5. The writ petition is accordingly disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 14, 2024/SU