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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16530/2024**

EX SUB BAIKUNTHA BARIK

.....Petitioner

Through: Mr. Ajit Kakkar, Mr. Mohit
Kumar & Ms. Alpana Yadav,
Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Neeraj, SPC with Mr.
Vedansh Anand &
Mr. Soumyadip Chakraborty,
Adv.
Maj. Anish Muralidhar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

29.11.2024

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1. The learned counsel for the petitioner submits that though the petitioner physically assumed the appointment to the promotional post of Naib Subedar on 19.10.2008, the seniority was given effect from 01.10.2008. He submits that therefore, the learned Tribunal has failed to appreciate that the petitioner would also be entitled to the benefit of the Sixth Central Pay Commission as also the most beneficial option.
2. From the Impugned Order dated 31.10.2023, we find that this plea does not appear to have been taken before the learned Armed Forces Tribunal (AFT).



3. At this stage, the learned counsel for the petitioner prays for leave to move an application seeking review of the Impugned Order dated 31.10.2023 passed by the learned AFT.

4. We dispose of this petition by granting such liberty to the petitioner and in case he is aggrieved of the decision of the learned AFT on the review petition, if any filed by the petitioner, it shall be open to him to challenge the same on all pleas including the ones which have been taken in the present petition.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 29, 2024/ab/B/VS

Click here to check corrigendum, if any