

(2019) 08 AFT CK 0041

In the Armed Forces Tribunal

Case No : Original Application No. 1845 Of 2017

Braja Mohan Nayak

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 21-08-2019

Acts Referred:

Citation : (2019) 08 AFT CK 0041

Hon'ble Judges : Sunita Gupta, J; Philip Campose, Member (A)

Bench : Division Bench

Advocate : S.S. Pandey, Vijendra Singh Mahndiyani

Final Decision : Disposed Of

Judgement

1. Heard the learned counsel for the parties.

2. By way of present OA, the applicant has prayed for the following reliefs:

(a) Direct the Respondents to accept the option of the applicant which is not being accepted terming the same as time barred with further direction to

fix the pay of the Applicant in the 6th CPC from the date of his promotion to the rank of Nb Sub and accordingly refix the pay as Sub as granted to all

other persons whose option was accepted by following the ratio of the judgment dated 10.12.2014 passed in OA No. 130 (113) of 2014 in Chittar

Singh 86 Ors.

(b) Direct the Respondents to pay the Applicant arrears of the difference of pay in the Rank of Nb Sub and Ranks of Sub and Sub Maj after adjusting

the payments already made by revising other allowances as per the revised rate including increment/DA etc. earned till date along with interest @

12% from the date it was payable till the date payment is made.

(c) Pass any other order/ orders as deemed appropriate by this Honble Tribunal in the facts and circumstances of the present case.

3. Learned counsel for the respondents has opposed the maintainability of the OA on the ground that there is no impugned order. It is further

submitted that before filing the present OA, neither any representation nor any appeal was preferred by the applicant and thus the applicant has not

exhausted statutory remedies.

4. Since large number of OAs have been filed before the Tribunal on this issue, therefore, for the time being, we are leaving the issue of jurisdiction

open. One thing is clear that before filing the OA, either no representation was made by the applicant or if made, same was not disposed of.

Therefore, it will be desirable that the OA be treated as redressal of grievances by the Competent Authority, which will dispose of the rederssal of

grievances in the light of the judgment dated 10.12.2014 passed in O.A. No. 113 of 2014 titled Sub Chittar Singh and others Vs. Union of India & Ors.

and judgment dated 09.12.2016 in O.A. No. 1610 of 2016 titled Sub Sadeesh Kumar Vs. Union of India & Ors. passed by the Principal Bench of

AFT.

5. In case, the applicant is entitled for the relief(s) in the light of the aforesaid judgments, same be granted to him, otherwise a speaking order be

passed within a period of six months from the date of receipt of copy of the order, which be communicated to the applicant.

6. In case the applicant still feels aggrieved by the order so passed, he will be at liberty to take legal recourse at appropriate Forum.

7. The respondents are also at liberty to take appropriate objection including jurisdiction in case any subsequent proceedings are initiated by the

applicant.

8. In view of the foregoing, OA stands disposed of.

9. Copy of this order be given `Dasti' to the learned counsel for the parties.