

ARMED FORCES TRIBUNAL, REGIONAL BENCH, GUWAHATI

5, **OA-12/2018**

Shri A Nipuni Mao

..... **Applicant**

By legal practitioners for
Applicant.
K Chonjohn
TH Trimal Ch Singh

-Versus-

UOI & Others.

..... **Respondents**

By legal practitioner for
Respondents.
PK Garodia

CORAM:

**HON'BLE MR. JUSTICE SUDHIR MITTAL, MEMBER (J) HON'BLE
AIR MSHL BALAKRISHNAN SURESH, MEMBER (A)**

ORDER

12.10.2023

1. The facts of this case are being noticed for ease of decision.
2. The applicant was serving in the Assam Rifles. For the offence, inter alia, of dereliction of duties, he was punished by a Summary Court Martial. By the order dated 01.05.2000 passed by the Summary Court Martial, he was reduced to the ranks and dismissed from service. This order was challenged by way of WP(C) No.369 of 2001. By the order dated 21.05.2013, the said petition was transferred to this Regional Bench and allowed by order dated 21.1.2014. Order of conviction and sentence was set aside with a direction to take necessary consequential action. The applicant submitted a representation dated 21.02.2014 for reinstatement which was, however, rejected and the punishment of 'dismissal' was converted to 'discharge' by the order dated 27.04.2014. Further direction

was issued to grant pensionary benefits w.e.f. the date of discharge in accordance with CCS(Pension) Rules, 1972. Consequently, letter dated 20.10.2015 was sent intimating the issuance of Pension Payment Order (PPO) and deposit of arrears in the bank account. Aggrieved by the conversion of 'dismissal' to 'discharge', the applicant challenged order dated 27.04.2014 through Original Application N0.28 of 2016 which was allowed vide order dated 22.03.2017. The respondents were directed to issue notice in terms of FR 54 (7) proposing the quantum of pay and allowance which the respondents were ready to pay. By the notice dated 10.07.2017, the respondents proposed payment of 50 % wages from 1.05.2000 to 30.06.2015 whereafter pension would be payable w.e.f. 1.07.2015. In response, the applicant submitted a representation dated 07.12.2017 asking for 75 % wages. The same was rejected and speaking order dated 06.03.2018 was passed, directing payment of wages and pension in accordance with proposal dated 10.07.2017. This order is under challenge in the present Original Application. The demand of the applicant is for full wages for the period 01.05.2000 to 30.06.2015.

3. A request for adjournment has been made by Ms.Sedenguno Piyeno, learned counsel appearing for the applicant on the ground that the arguing counsel is from Manipur and in view of the existing ground situation he is unable to travel to Guwahati.

4. Adjourned.

5. List the case when the Bench meets next.

(Air Mshl Balakrishnan Suresh)
MEMBER (A)

(Justice Sudhir Mittal)
MEMBER (J)

Mc/gm