

Form No. 4  
{See rule 11(1)}  
**ORDER SHEET**  
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No.3 (Sl. No. 7)

**Ex A-330 of 2022 with O.A. No 379 of 2019**

**Ex Nb Sub Kailash Chandra Bhatt** Applicant  
**By Legal Practitioner for the Applicant: Shri Manoj Kumar Awasthi, Advocate**

Versus

**Union of India & Others** Respondents  
**By Legal Practitioner for Respondents: Shri JN Mishra, Advocate**

Notes of the Registry	Orders of the Tribunal
	<p><b><u>08.02.2023</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Vice Admiral Atul Kumar Jain, Member (A)</u></b></p> <p>1. Heard Shri Manoj Kumar Awasthi, learned counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents.</p> <p>2. Objection on compliance report is taken on record.</p> <p>3. Submission of learned counsel for the applicant is that order under execution has not been complied with as while passing reasoned and speaking order dated 20.04.2022, OIC Records, AMC has rejected applicant's 'X' Group entitlement which the applicant is entitled to.</p> <p>4. On the other hand learned counsel for the respondents submits that the order under execution has been complied with. He further submits that as per order dated 06.01.2022 passed by this Tribunal, respondents have passed speaking and reasoned order dated 20.04.2022.</p> <p>5. We have perused order dated 06.01.2022 passed by this Tribunal, and we find that the following order was passed:-</p> <p style="text-align: center;"><i>"10. In view of aforesaid, Original Application is disposed off with the directions to the respondents to consider case of the applicant who is having Diploma in General Nursing &amp; Midwifery of 3 ½ years duration and include his case in the trades of 'X' Group as per rules. The respondents are directed to give effect to this order at the earliest preferably within a period of four months from the date of receipt of certified copy of this order."</i></p> <p>6. Perusal of aforesaid order indicates that respondents were directed to consider his name for inclusion in 'X' Group as per rules based on Diploma in General Nursing and Midwifery of 3 ½ years. The respondents have considered and issued reasoned speaking order dated 20.04.2022 rejecting his claim for 'X' Group pay.</p> <p>7. In Para 5 of the speaking and reasoned order it has been stated that 'X'</p>

Group pay is applicable to the personnel having diploma recognized by All India Council for Technical Education (AICTE). For convenience sake, extract of Para 5 of speaking order is reproduced as under:-

*xxxx After due examination of the ibid case, Integrated HQ of MoD (Army)/PS dtc (Standing Army Pay Commission Section) vide their letter No C/7027/TR/SAPCS/2022 dated 04 Mar 2022 has replied that "Classification of pers in Group 'X' (with higher rate of Rs 6,200/- and lower rate of Rs 3,600/-) and Group 'Y' is clearly spelt out in Para 3, Rule 5 of Army Pay Rules 2017. It is again stated that trades having qualification equivalent to a diploma recognized by AICTE are entitled to Rs 6,200/- pm as Group 'X' pay at higher rate while those not having a qualification recognized by AICTE are entitled to Rs 3,600/- pm as Group 'X' at lower rate. All other trades not covered by the above are in Group 'Y' and not eligible for Group 'X' pay. x x x x x"*

8. Apropos above, we feel that order has been complied with.

9. In view of the above, execution application is disposed off with full and final satisfaction.

10. The applicant is at liberty to file fresh O.A. at appropriate forum if he is dissatisfied with reasoned speaking order dated 20.04.2022 passed by the respondents.

**(Vice Admiral Atul Kumar Jain)**  
**Member (A)**

**(Justice Anil Kumar)**  
**Member (J)**

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