

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

46.

MA 3114/2023 in OA 1713/2023

In the matter of :

Capt Nepal Singh (Retd)

... Applicant

Versus

Union of India &Ors.

... Respondents

For Applicant : Shri Manoj Kumar Gupta, Advocate

For Respondents : Shri Neeraj Sr CGSC

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN. C P MOHANTY, MEMBER (A)

O R D E R
08.08.2023

MA 3114/2023

It is the case of the applicant that though he was working in the Indian Army, inadvertently in the order passed on 10.07.2023, the applicant was shown to be enrolled in the Indian Navy and the case was disposed of under that assumption. However, on going through the application and on considering the pleadings made by the applicant in the O.A filed under Section 14 of the Armed Forces Tribunal Act 2007, we find that in the entire pleadings the applicant himself had claimed that he was enrolled in the Indian Navy on 18.08.1986 and at various places of the application, he was shown to be an employee of the Indian

Navy and even the parties arrayed as respondents are (i) the Chief of the Naval Staff, (ii) Naval Pension Department and (ii) PCDA Pension (Navy). This being so, even if the application is allowed and the order corrected, the pleadings in the O.A and the order would be contrary to each other and until and unless the applicant corrects the pleadings in the OA the application for correction cannot be allowed.

2. Therefore, we dispose of this application with liberty to the applicant to seek amendment of the pleadings in the O.A in accordance with law.

[RAJENDRA MENON]
CHAIRPERSON

[C P MOHANTY]
MEMBER (A)

/jyoti/