

COURT No. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(Through Virtual Hearing)

18.

RA 22/2022 with MA 1341/2022 in MA 847/2017 in OA354/2014

Lt. Col(Retd.) S.R.Das

....Applicant

Versus

Union of India & Ors.

.....Respondents

For Applicant : Ms. Sangeeta Tomar, Advocate

For Respondents : Mr. Arvind Patel, Advocate

Maj Shruti Rawat, OIC, Legal Cell

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. BOBBY CHERIAN MATHEWS, MEMBER (A)

O R D E R

17.05.2022

RA 22/2022

Vide this application, the applicant seeks review of the order dated 20.12.2017 whereas vide MA 1341/2022, he seeks condonation of delay in filing the application.

In the Review Application, it is averred that the applicant has filed OA 354/2014 for grant of disability pension vide order dated 27.04.2015. The OA was allowed and the applicant was held entitled to disability pension @ 50%.

It is stated that since the order was not complied with, the applicant filed execution application. On 20.12.2017, Proxy counsel for the applicant had appeared and it was ordered that since PPO had already been issued on 20.11.2017, as such, MA was disposed off as satisfied.

It is stated that now applicant had come to know that he has been granted only disability element instead of service element.

Disability pension comprises of two elements i.e., disability element as well as service element. Since as per the PPO, only disability element along with interest has been paid. As such, order has not been complied with in its letter and spirit. Therefore, the order dated 20.12.2017 requires review.

On advance notice, Mr. Arvind Patel, Advocate has appeared. Although he seeks time to file reply to the application. However, the respondents are directed to seek instructions as to why the service element was not paid to the applicant.

Maj. Shruti Rawat, OIC, Legal Cell seeks time to take instructions.

Relist on **26.07.2022**.

In case any reply if desired to be filed by the applicant, same be filed before the said date.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN. BOBBY CHERIAN MATHEWS)
MEMBER (A)

nk/ap