

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

15. PART HEARD

OA1928/2018 WITH MA 2135/2018

Ex Nk Om Prakash	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

WITH

16.

OA 903/2019

Col Ashwin Dev (Retd)	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

WITH

17.

OA 983/2019 WITH MA 1646/2019

Ex MWO Brij Bihari Rai	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

WITH

18.

OA 999/2019 WITH MA 1667/2019

Ex L/Nk Mohd Jabbar	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

WITH

19.

OA 1064/2019 WITH MA 1734/2019

Ex RPO Pramod Kumar	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

WITH

20.

OA 1262/2019 WITH MA 1997/2019 AND MA 226/2020

Nk Sanjay Sharma (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

WITH

21.

OA 1607/2019

Ex Dfr Suhash Babu Applicant
VERSUS
Union of India and Ors. Respondents

WITH

22.

OA 1872/2020

Col Rajeev Agarwal (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
Mr. A.K. Trivedi, Advocate
Mr. V.S. Kadian, Advocate
Mr. Naveen Kumar, Advocate
Mr. Pradeep Kumar Nandal, Advocate
Mr. Ravi Sharma, Advocate

For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC
Mr. Harish V. Shankar, Advocate
Mr. Neeraj, Sr. CGSC IN OA 999/2019
AND OA1872/2020
Mr. Arvind Patel, Advocate IN
OA 1607/2019
Mr. Prabodh Kumar, Advocate IN
OA 1928/2018 AND OA 1262/2019
Ms. Jyotsna Kaushik, Advocate IN
OA 1064/2019
Mr. K.K. Tyagi, Advocae IN OA 983/2019
Ms. Barkha Babbar, Advocate IN
OA 903/2019

CORAM

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

ORDER
06.04.2021

While hearing the matter today learned counsel for Union of India brought to our notice certain rules brought into force vide communication dated 18th January, 2010 wherein the entitlement rules of casualty pension award to the Armed Forces personnel 2008 Rules were said to have been notified on 18th January, 2010 and brought into force from 1st January, 2008. We find that these rules were never brought to the notice of the Court in any of the proceedings nor are they referred to in any of the judgments relied upon by learned counsel for the applicants. We, therefore, direct the respondents to file a detailed additional affidavit indicating as to how and in what manner these Rules were enacted, brought into force, when they were notified, under whose and after whose approval and after following what procedure these Rules have been brought into force and in what manner they are being implemented after they have come into force.

2. Let an additional affidavit indicating all these factors be filed within six weeks. That apart, we find that there are two sets of cases pertaining to disability; one set of cases would be those wherein the discharge or the disability attributable to or otherwise would have arisen prior to 1st January, 2008. Those cases have to be dealt with in accordance to the law as it existed

prior to coming into force of the Rules of 2008 as referred to hereinabove. That being so, counsels appearing for the applicants are requested to supply a list of such cases where the cause of action, namely, the discharge or the disease in question or the injury in question arose on or before 31st December, 2007 so that those cases can be taken up and heard separately as per rules and principles which have been laid down in various cases prior to coming into force of the Rules of 2008. As far as cases subsequent to coming into force of Rules of 2008 are concerned, they would be considered and heard after additional affidavit is filed by the respondents and the applicants are granted an opportunity to rebut the contentions raised in the additional affidavit.

List again on 27th May, 2021.

PART HEARD.

**(RAJENDRA MENON)
CHAIRPERSON**

**(P.M. HARIZ)
MEMBER (A)**

/vks/