

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

67.

OA 1464/2022 with MA 1908/2022

Ex Powtr Sharma Vishnu Banshilal	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. SM Dalal, Advocate
For Respondents	:	Mr. S S Sinha, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
06.05.2024

This application was filed by the applicant claiming disability pension on 8th July, 2022. Notices were issued on 14th July, 2022 and thereafter the case was listed on various dates from 12.09.2022 continuously up to 22.04.2024 on more than 12 occasions.

2. In spite of the matter being listed continuously for more than 02 years, the respondents did not bother to file the counter affidavit.

3. Taking note of the manner in which the respondents were behaving on 22.04.2024, we directed for listing of the matter for final hearing.

4. Today the matter has come up for final hearing and the prayer made in the application is to quash the impugned

order dated 18th July, 2001 by which the prayer of the applicant for grant of disability pension has been rejected. The order in fact is an order dismissing his first appeal.

5. Even though, the applicant has filed photocopies of certain medical documents for deciding the issue in question. Even if the affidavit is not available we are required to go through the medical documents and thereafter take a decision. The officer in charge present is not in possession of the medical document.

6. We direct notices to be issued to In-charge CABS Mumbai Commanding Officer. CABS Mumbai to depute an Officer to remain present on the next date along with the entire medical documents of the applicant.

7. The Principal Registrar shall forward a copy of this order, issue a separate notice and also forward copy of all the applications filed by the applicant to the said CABS to facilitate him to ensure that the Officer is present along with all the original medical documents so that we can take a decision on the application on merit.

8. We are compelled to follow the aforesaid procedure on account of total non-cooperation on behalf of the respondents in not having filed the counter affidavit for more than 02 years and not keeping available the medical records.

Re-list on 22nd July, 2024.

A copy of this order be provided DASTI to learned counsel for both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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