

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

10.

OA 1250/2017 with MA 4442/2023

Maj G S Khanna (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. RK Tripathi, Advocate
For Respondents : Mr. KK Tyagi, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT. GEN P.M HARIZ, MEMBER (A)

ORDER
04.12.2023

MA 4442/2023

At the outset it is submitted on behalf of the applicant that the prayer at Serial No. (v) of the prayer clause-8 is sought to be adjudicated vide a separate OA and that MA 4442/2023 had been filed in relation thereto. On behalf of the respondents, there is no opposition on behalf of the respondents to the prayer made in MA 4442/2023. MA 4442/2023 is disposed of accordingly. In view thereof the OA 1250/2017 shall be adjudicated only in relation to prayer clause (i) to (iv) and (vi) and in relation to prayer clause-(v) which reads to the effect:-

“(v) To grant the Applicant Pension of the Rank of Lt Col with effect from 01-01-1996 with an interest of 18% there on.”

it is open to the applicant to seek redressal by filing a separate OA which if filed would be dealt with in accordance with law.

OA 1250/2017

2. Inter alia, it is submitted on behalf of the applicant that the prayer made at clause-(v) through the present OA is similar to that in OA 1096/2016.

3. Qua the submissions made in Para-6 of the Counter Affidavit dated 09.03.2018 filed by the respondents, the respondents are directed to produce the original medical records qua the applicant and in view of oral submissions made that the same have been destroyed, the respondents shall file an affidavit within a period of four weeks in relation thereto and the period as to when they were destroyed and whether they were destroyed in accordance with rules.

4. On behalf of the applicant, it is submitted that the applicant may be permitted to place on record the documents of the RMB in possession of the applicant. The same are permitted to be filed with an affidavit with a copy being supplied to the Respondents through

counsel before the next date of hearing so that the respondents may verify the same and submit the report in relation thereto.

Re-list the matter for final hearing on **09.01.2024**

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT. GEN P.M. HARIZ)
MEMBER (A)

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