

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

22.

OA 1521/2019 with MA 2457/2019

Sgt Uma Shankar Pandey (Retd.) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. B P Vaishnav, Advocate
For Respondents : Mr. Waize Ali Noor, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
26.09.2023

On behalf of the respondents it is submitted that in view of the averments made in Para 4B of the OA which read to the effect:,

“4.b That the applicant went on authorised annual leave from 21.04.2003 to 15.05.2003 and met with an accident while coming back from leave (home town) to duty place Air Force Station, New Delhi and was admitted and treated in Command Hospital Lucknow from 13.05.2003 to 03.07.2003 and suffered BLUNT INJURY ABDOMIN OPTD while in service and disability was assessed 20% for life long as per RMB. and applicant was put in lower medical category and applicant was prescribed with medicines accordingly.”,

coupled with averments made in Annexure A4 vide Para 4 in the first appeal filed by the applicant dated 10.12.2017 which are to the effect:-

“4. I was posted to various units of IAF in peace as well as field units and perform the IAF duties. During the posting of field unit, I have performed the various hectic, strenuous and distressful duties. I was met with an accident and suffered BLUNT INJURY ABDOMIN OPTD ON 13.05.2003 and my disability was assessed 20% for life long as per RMB.”,

coupled with the statement made by the applicant as detailed in the report on accident dated 24.07.2003 to the effect:

“I was driving motor cycle and suddenly a Tonga came in front of me and hit at my stomach.”

coupled with responses to question no. 5 in the said Annexure R1:

*“v) Was the individual proceeding to his leave station or returning to duty from his leave station? In either case, was the journey at public expense or was performed on concession voucher or at Individual's own expense? **NO***

*The dates of commencement and termination of the period of leave: **N/A***

*The name of the leave station; **N/A***

*Particulars of the direct route from the place of duty to or from the leave station. **N/A**”*

the respondents seek to file an additional affidavit in relation to the assertion made vide Para 4 B of the OA. In the interest of justice the prayer is allowed the additional affidavit of the respondents is permitted to be filed within two weeks with a copy being placed on the record and a copy being supplied to the applicant through counsel and the injury report be filed by the respondents before the next date of hearing.

Re-list the matter on **25.10.2023**.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

AP