

**COURT No.3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

1.

OA 42/2019

Lt Col Dadan Chaubey (Retd)

... Applicant

Versus

Union of India & Ors.

...Respondents

For Applicant : Mr. IS Singh & Abhishek Singh, Advocates

For Respondents : Ms Barkha Babbar, Advocates

CORAM:

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

HON'BLE VICE ADMIRAL P. MURUGESAN, MEMBER (A)

ORDER

25.02.2019

Present OA has been filed by the applicant claiming Disability Pension.

2. As per averments made in OA, earlier also OA was filed on which orders were passed directing the respondents to treat the OA as an Appeal but the same has not been disposed off by the respondents so far.

3. If this was the case, then the appropriate remedy available to the applicant is to file MA seeking implementation of the order and not to file a fresh OA.

4. Learned counsel for the applicant submits that he had also filed 1st appeal on 11 May 2017 for grant of Disability Pension even the same was not disposed off and thereafter the OA was filed. He seeks time to satisfy that the present OA is maintainable.

5. List on **05.08.2019**.

**(JUSTICE SUNITA GUPTA)
MEMBER (J)**

**(VICE ADMIRAL P. MURUGESAN)
MEMBER (A)**

/rkj/

