

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA 1827/2023

WO Dhananjay Kumar (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Tatsat Shukla, Advocate
For Respondents : Mr. RS Chhillar, Advocate with
Sgt Arjun Ram, DAV, Air Force

CORAM

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

ORDER
17.07.2023

The prayers made vide the present OA are to the effect:-

*“(a) To quash and set aside the Applicant's RMB proceedings to the extent the order denies grant of Disability element of Pension to the applicant.
(b) To set aside the impugned order dated 08 Dec 22 and direct the respondents to grant the disability element of pension @ 44%, broad-banded to 50%, along with all consequential benefits, with arrears and interest @12% p.a. w.e.f. date of discharge, by treating disease as attributable to and aggravated by military service, in view of the Hon'ble Apex Court Judgment in Rajbir Singh (Supra) & Dharamvir Singh (Supra),or
(c) To pass such orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”*

Inter alia it is thus submitted on behalf of the applicant that though the first appeal dated 02.01.2023 was filed by the applicant, the same has not been responded to by the respondents

despite a lapse of six months. In view thereof, in terms of Section 21(2)(b) of the AFT, Act 2007 notice of the OA is issued, accepted on behalf of the respondents.

Counter affidavit of the respondents be filed within a period of four weeks. Rejoinder, if any, be filed by the applicant within a period of four week thereafter.

The complete RMB proceedings inclusive of clinical assessment be filed by the respondents along with the counter affidavit.

List the matter before the Principal Registrar on **29.09.2023** for completion of pleadings and before the Bench thereafter.

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

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