

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

6.

OA 1438/2018 MA 1935/2018 & 1936/2018

Ex Nk Ami Lal

... Applicant

Versus

Union of India & Ors.

...Respondents

For Applicant : Mr. V S Kadian, proxy counsel for
Mr. J P Sharma, Advocate

For Respondents : Mr. Shyam Narayan, Advocate

CORAM:

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

HON'BLE LT. GEN. SANJIV CHACHRA, MEMBER (A)

O R D E R

05.12.2018

Learned counsel for the applicant has filed application for condonation of delay in filing the OA.

2. Learned counsel for the respondents at the outset submits that the present OA is not maintainable in view of the fact that the applicant was granted compensation of Rs.28,550/- in lieu of disability element of pension on 08.07.1991. Therefore, having opted and accepted the compensation amount, he is not entitled for grant of disability element of pension.

3. Learned counsel for the applicant is directed to satisfy on this point before admitting the OA.

4. Relist on **12.03.2019**.

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

**(LT. GEN. SANJIV CHACHRA)
MEMBER (A)**

05.12.2018/Sp