

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

14.

OA 1925/2024

Cdr Akif Husain (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Pallavi Awasthi, Advocate
For Respondents : Mr. D.K. Sabat, proxy for
Mr. K.K. Tyagi, Advocate

CORAM

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

ORDER
31.05.2024

The applicant vide the present OA makes the following prayers:-

“(a) To set aside the order No.PN/8404/DP/22 dated 18.04.2024 passed by the respondents.

(b) To direct the respondents to grant the disability pension @20% to the applicant as the same is attributable the military service alongwith arrears to the applicant from the date of his discharge.

(c) To direct the respondents to grant the benefit of rounding of disabilities of the applicant from @20% to @50% for life in terms of law settled by Hon'ble Supreme Court of India in Civil Appeal No.418/2012 titled as UOI & Ors. vs. Ram Avtar vide judgment dated 10.12.2014 as well as in a catena of judgments by this Hon'ble Tribunal.

(d) To direct the respondents to pay the due arrears of disability pension with interest @18% p.a. with effect from the date of retirement with all the consequential benefits.

(e) To pass such further order or orders, direction/Directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”

2. Notice of the OA is issued to the respondents. However, a perusal of the record indicates that placed on record as Annexure A-1 at Page-26 of the OA is the impugned order whereby the first appeal of the applicant was rejected and the respondents vide the said document dated 18.04.2024 called upon the applicant to prefer a second appeal within a period of six months which period has till date not expired, nor has the applicant availed of the remedy of the second appeal.

3. In these circumstances, the present OA is directed to be treated as the second appeal and is directed to be disposed of by the respondents in accordance with law within a period of six months from today.

4. It is open to the applicant to seek redressal thereafter, if any, if aggrieved, in accordance with law. OA 1925/2024 is disposed of accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)