

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

14.

OA 2810/2023

Sgt Anand Kumar Srivastava (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Raj Kumar, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM

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

ORDER
20.09.2023

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

“a) To Quash and set aside the RMB proceedings and Impugned Order to the extent they deny the grant of disability element of pension to the applicant;

(b) To direct the respondents to grant the disability element of pension @ 35% broad-banded to 50% with interest @ 12% p.a. wef date of discharge, by treating the disabilities as attributable to and/ or aggravated by military service.

(c) To pass any other Order(s) or/and direction(s) in favour of the Applicant which may deem just and proper under the facts and circumstances of the case in the interest of justice.”

In as much as the first appeal made by the applicant dated 14.01.2023 is stated to have not been disposed of by the respondents within the period of 06 months therefrom nor even till institution of the present OA instituted on 12.09.2023, in

terms of Section 21 (2) (b) of the AFT Act 2007, we consider it appropriate to take up the OA for consideration.

Notice is issued and accepted on behalf of the respondents. Counter affidavit thereto be filed by the respondents within four weeks. Rejoinder, if any, be filed by the applicant within four weeks thereafter.

The matter be listed before the Principal Registrar for completion of pleadings on **24.11.2023** and before the Bench thereafter.

Original RMB proceedings qua the applicant be produced by the respondents on the next date of hearing with a copy being placed on the record and a copy being supplied to the applicant through counsel.

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

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

AP