

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

1.

OA 2758/2023

WO (Retd) Amar Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Rohit Pratap, Advocate
For Respondents : Sgt Arjun, Air Force, Legal Cell

CORAM

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

ORDER
18.09.2023

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

- (a) *To declare the action of respondents as unjust, arbitrary and illegal.*
- (b) *To direct the respondents for grant of disability element of pension and pay arrears @30% with an interest @ 18% per annum from the date of applicant's superannuation from service i.e. 31 Jan 2021.*
- (c) *To direct the respondents to grant the benefit of rounding off disability of the applicant to 50% from 30% and pay arrears with an interest @18% per annum from the date of applicant's superannuation from service i.e. 31 Jan 2021 in terms of letter dated 31 Jan 2001.*
- (d) *To grant an interest @18 % on delayed payment of the disability pension. and*

- (e) *Any other relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*
- (f) *Award cost;*

2. Inter alia, it is submitted on behalf of the applicant that the first appeal 16.12.2022 filed by the applicant declining the grant of the disability element of pension has not been adjudicated so far. In view thereof in terms of section 21(2) (b) of the AFT Act 2007, we considered appropriate to take up the OA for considerations.

3. Notice thereof is issued and accepted on behalf of the respondents. The counter affidavit be filed by the respondents within a period of four weeks. Rejoinder, thereto, if any, be filed by the applicant within a period of four weeks thereafter.

4. List the matter before the Principal Registrar on **20.11.2023** for completion of pleadings and before the Bench thereafter.

5. Respondents shall ensure the production of the complete RMB proceedings in original with the copies thereof being placed on the record and the copy being supplied to the applicant through counsel.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)