

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

86.

OA 374/2023

Ex Sep Padala B Shankar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Rajesh Nandal, Advocate
For Respondents : Mr. D K Sabat, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R
01.05.2024

On 12th September, 2023, the following orders were passed
by this Tribunal.

“Counter affidavit has been filed and the same is taken on record. However, Para 7 of the counter affidavit indicates that in accordance to the revised policy issued by the MoD vide communication dated 05.09.2017 claim of the applicant for grant of disability pension is pending consideration before the EME Records since 30.07.2022. More than a year has passed and respondents have not indicated as to what action has been taken after 30.07.2022. Respondents are granted four weeks’ time to expedite and bring on record the action taken on aforesaid communication as on date.

2. List again on 26.10.2023.

3. A copy of this order be provided ‘*DASTI*’ to learned counsel for the parties.”

2. EME records was directed to decide the claim of the applicant which was pending in their office since 30th July, 2022. The respondents were directed to take action and matter was to be listed on 26th October, 2023 but on

account of certain administrative action it could not be taken on 26th October, 2023 which was thereafter taken up on 19th December, 2023 and further four weeks' time was granted till 7th March, 2024 for compliance of the directions issued on 12th September, 2023. When the matter was taken up on 7th March, 2024 nothing was done and again four weeks' time was granted and case was directed to be listed on 1st May, 2024.

3. Today again when the matter is taken up, we are informed that the counsel appearing for the respondents has no instructions in the matter and they are not aware as to what decision has been taken in the applicant's case.

4. Keeping in view the aforesaid, the concerned official/officer, EME records is directed to remain personally present with the entire file along with the action taken in the case of the applicant as indicated hereinabove.

5. List the matter again on 5th July, 2024. Respondents to keep the entire medical records of the applicant present on the next date of hearing for perusal of this Tribunal.

6. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]
MEMBER (A)**