

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

3.

OA 3280/2023

HFL Ram Kumar (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Nawneet Krishna Mishra, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER
27.10.2023

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 @ 40.5% 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.”

2. In view of the submissions made on behalf of the applicant to the effect that the first appeal of the applicant dated 15.04.2023 has not been responded to by the respondents within a stipulated period of six months. In terms of Section 21 (2) (b) of

the AFT Act 2007, we consider it appropriate to take up the OA for consideration.

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

4. The matter be listed before the Principal Registrar for completion of pleadings on **08.01.2024** and before the Bench thereafter.

5. The original RMB proceedings qua the applicant be produced by the respondents on the date of final hearing.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C. P. MOHANTY)
MEMBER (A)

AP