

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

74.

MA 421/2025 in OA 1008/2023

Col Amita Jain (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. K.K Tyagi, Sr CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R
26.03.2025

MA 421/2025

Seeking execution of an order passed by this Tribunal in OA 1008/2023, this application has been filed.

2. Records indicate that challenging the order passed in the OA a petition bearing W.P. (C) No. 2355/2025 was filed before the Hon'ble Delhi High Court. The learned Division Bench of the Delhi High Court on 24.02.2025 dismissed the writ petition. While disposing of the writ petition in Paragraphs 16, 17 and 18 the following directions were issued by the High Court:

“16. The petitioners shall now release the disability element of pension to the respondent in accordance with the opinion of the Release Medical Board, which we have mentioned and quoted hereinabove.

17. The percentage at which the disability element of the pension is to be released to the respondent, shall be calculated by the Competent Authority of the petitioners, and the necessary Pension Payment Order shall be issued within a period of four weeks from today. It is clarified that in case the respondent is entitled to the claim of broad banding of the percentage in terms of the Judgment of Union of India vs. Ram Avtar (Civil Appeal No. 418/2012), the same shall also be extended to the respondent.

18. The payment of arrears upon the issuance of the revised pension payment order shall be released to the respondent within a period of four weeks thereafter. In case of delay in release of the arrears beyond the period granted, the petitioner shall pay to the respondent, interest at the rate of 6% per annum.

3. From the directions issued, it is clear that the Hon'ble High Court specifically directed the competent authority to calculate the benefits accruable to the applicant and issue the necessary PPO within a period of four weeks from the date of passing of the order i.e. 24.02.2025. The four weeks' period has already elapsed and it is complained by Shri Pandey that compliance has not been done. Prima facie it seems that despite the Hon'ble High Court's order the respondents have not complied with the same. This may amount to contempt of the directions issued by the Hon'ble High Court. However for the present, without taking any action the respondents are granted four weeks to comply with the directions issued and submit a report, failing which we shall take action for non-

compliance with the original direction issued by this Tribunal. We may also refer the matter to the Hon'ble Chief Justice of the Delhi High Court bringing to his notice that the directions issued by the Hon'ble Delhi High Court on 24.02.2025 have not been complied with within the stipulated time. Therefore, the Hon'ble High Court may either grant us permission to take action or take action for contempt at their own end.

4. With the aforesaid, we direct that the matter be listed after four weeks.

5. List the matter again on **30.04.2025**.

6. A copy of this order be provided DASTI to learned counsel for both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[MS. RASIKA CHAUBE]
MEMBER (A)**

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