

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video-Conferencing)

42.

OA 655/2019 with MA 1245/2019

In the matter of :

Ex Hav Clk Mehtab Singh Dahiya ... **Applicant**

Versus

Union of India & Ors. ... **Respondents**

For Applicant : Shri Rajesh Nandal, Advocate

For Respondents : Shri Rajesh Kumar Das, Advocate

CORAM :

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN P.M. HARIZ, MEMBER (A)**

O R D E R
02.06.2021

In accordance to the directions issued on the last date, the respondents have filed a detailed counter affidavit.

Taking note of the facts as indicated in the counter affidavit and the circumstances under which the respondents have denied the benefit to the applicant, for the present, we see no reason to issue any interim directions. However, learned counsel for the applicant may file his rejoinder and make additional pleadings.

In the meanwhile, we direct the respondents to seek instructions and inform us as to whether under the policy in question or any other inherent or otherwise powers available to the Competent Authority, as the mercy petition of the applicant has been allowed and the Competent Authority has shown him

some mercy in the matter of restoring 90% of the pension, is there any similar provision in the respondent organisation where such mercy can be shown in the matter of relaxation of granting the benefit of ECHS to the applicant. Let these instructions be received by the respondents by the next date of hearing.

List the matter on **26th July, 2021**.

Copy of this order be given '**Dasti**' as well as through e-mail to the counsel for the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN P.M. HARIZ]
MEMBER (A)**

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