

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

40.

OA 3273/2023

Capt (IN) Atul Swarup Mathur (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
Mr. Devendra Kumar, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate

CORAM

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

ORDER
25.10.2023

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

- (a) Quash the Impugned Order No. PN/7801/D/DP/19 dated 20.09.2019.*
- (b) Direct the respondents to grant Disability element of pension duly rounded off to 50% w.e.f his date of discharge.*
- (c) Direct the respondents to place on records RMB Proceedings.*
- (d) Direct the respondents to pay the due arrears of disability pension with interest @12% p.a. from the date of retirement with all the consequential benefits*
- (e) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicant and against the respondents.*

2. In view of the second appeal filed by the applicant dated 22.11.2021, having not been responded to by the respondents within a period of six months from the date of institution thereof in terms under Section 21(2)(b) of the AFT Act

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

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

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

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

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

NMK/POOJA