

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

11.

MA 1194/2024 in OA 1515/2019

Ex SGT Dulal Das Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Trilok Chand, Proxy for
Mr. Baljeet Singh, Advocate
For Respondents : Mr. Anil Gautam Sr CGSC with
Sgt Pankaj Sharma, OIC Legal

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
22.05.2024

MA 1194/2024 has been filed by the applicant on 18.03.2024 seeking compliance of directions dated 24.05.2023 in OA 1515/2019 whereby vide para 6 thereof, it was directed to the effect :-

“6. In view of the observations herein that the refusal of the applicant to undergo the surgery was apparently reasonable in terms of the RMB proceedings dated 26.07.2018 itself, it is held that the disability that the applicant suffers from having already been opined by the RMB itself to be attributable to service has to have the net qualifying assessment of the percentage of disablement @20% for life which is so directed to be treated as 20% for life to be rounded off and broad banded to 50% for life with effect from date of discharge with all consequential benefits in terms of the verdict of the Apex Court in Union of India & Ors. vs. Ram Avtar and the respondents are directed accordingly and directed to calculate the corrigendum PPO and issue the same. The arrears

shall be disbursed to the applicant within three months of receipt of this order failing which it shall earn interest @ 6% p.a. till the actual date of payment. The OA is thus, disposed of.”

2. The records of the OA 1515/2019 indicate that there has been no prayer made by the respondents seeking grant of leave to appeal against the said order within the stipulated period of time in terms of Section 31 of the AFT Act, 2007.
3. It is submitted on behalf of the respondents that they intend to assail the said order of which implementation is sought.
4. In view thereof, in the event of there being no stay order of the operation of the order dated 24.05.2023 in OA 1515/2019 being placed on the record by the respondents for the next date of hearing, the affidavit of compliance of the said directions with the demand draft for a sum of Rs. 50,000 in the name of the applicant towards payment of costs be placed on the records by the respondents.
5. The matter be re-notified for hearing on **04.10.2024**
6. Copy of this order be given *DASTI* as prayed.

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

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**