

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

5.

MA 2217/2023 in OA 1957/2021

Nb Sub Naveen Kumar	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. Rajesh Nandal, Advocate
For Respondents	:	Mr. Waize Ali Noor, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R
24.01.2024

MA 2217/2023

An oral statement is made before us that the matter is under process and the unit concerned is dealing with the issue and as certain records are to be submitted, therefore, further time is sought for filing of compliance report.

2. As a matter of last indulgence, four weeks' time is granted to the respondents to file compliance report.

3. After orders were passed by this Tribunal on 1st May, 2023 in OA No. 1957/2021 and the directions issued in Para 20 of the said order reads as under:-

“In view of the aforesaid analysis, and the facts and circumstances of the case, we frame our opinion based on interpretation of the impugned policy letter which classifies a personnel as Battle Casualty, and therefore, we are of considered opinion that the applicant's prayer to classify his injury as 'Battle Casualty' is justified”

4. It is not necessary for the respondents to process the case as if they are to declare the applicant's case as that of battle casualty, the finding recorded by this Tribunal be given effect and the applicant be classified as a battle casualty and all benefits granted to him.

5. That being so, the only option available with the respondents is either to challenge the order before the Higher Court or notify the applicant as a battle casualty and take action.

6. From the records, it seems that the Unit and Record Office have started the process to declare the applicant as a battle casualty.

7. In our considered view, only a simple notification has to be issued classifying the applicant as a battle casualty and all consequential benefits granted.

8. It seems that the procedure followed by the respondents is not warranted under law, therefore, we grant them four weeks' time as a matter of last indulgence to classify the applicant as a battle casualty forthwith from 1st May, 2023 and grant him all consequential benefit, failing which, the officer concerned responsible for the default would remain present before this Tribunal on the next date.

9. Re-list on **04.03.2024**.

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

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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