

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

27.

MA 2846/2024 in OA 1979/2021

Gp Capt S Mediratta Adm/FC (Retd) Applicant
VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Ajai Bhalla, Advocate

For Respondents : Ms. Shivani Kumari, proxy for
Mr. Rajeev Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R

24.07.2024

MA 2846/2024 has been filed by the applicant on 18.07.2024 seeking implementation of the order dated 13.04.2023 in OA 1979/2021 whereby vide paragraphs 6 & 7 thereof, it was directed to the effect:-

“6. In view of the aforesaid judicial pronouncements and the parameters referred to above, the applicant is entitled for disability element of pension in respect of disability 'Primary Hypertension (Old)'. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% rounded off to 50% with effect from the date of his discharge in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012), decided on 10.12.2014.

7. The respondents are thus directed to calculate, sanction and issue the necessary PPO to the applicant within a period of three months from the date of receipt of copy of this order and the amount of arrears shall be paid by the respondents, failing which the applicant will be entitled for interest @6% p.a. from the date of receipt of copy of the order by the respondents.”

2. The records of OA 1979/2021 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. Despite a year having elapsed from the date 13.04.2023 when the directions in OA 1979/2021 were issued there has been no compliance by the respondents. Whilst accepting notice of the present application MA 2846/2024 the respondents submit that they intend to assail the order 13.04.2023 in OA 1979/2021, by filing a writ which they are entitled to do so, if permissible in accordance with law.

4. In the event of there being no stay order of the operation of the order dated 13.04.2023 in OA 1979/2021 being placed on the record by the respondents for the next date of hearing, the affidavit of the compliance of the said direction with a demand draft of sum of Rs. 75,000/- in the name of the applicant for payment of costs be placed on the records by the respondents.

5. Re-list the matter on **23.08.2024**.

6. Copy of this order be given ***DASTI*** as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)