

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

12.

**OA 464/2023**

**In the matter of :**

**Col Vijay kumar (Retd)**

**... Applicant**

**Versus**

**Union of India &Ors.**

**... Respondents**

**For Applicant : Shri K.R. Verma, Advocate**

**For Respondents : Shri Anil Gautam, Sr. CGSC**

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**  
**HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)**

**O R D E R**  
**22-02-2023**

The applicant has filed this application and prayer made in the application is that the applicant has been found to be suffering from disability to the extent of 30% and the simple prayer was made isto broad band it upto 50%.

Learned counsel for the respondents invites our attention to the order passed earlier in a proceeding initiated by the applicant himself before this Tribunal in OA 506/2015.Vide order dated 6<sup>th</sup> October, 2015,thisOA was allowed and in Para 5 the following directions were issued:

***“The petitioner’s disability for the said disease has been assessed at 30% which is required to be rounded off of to 50% in view of the Government of India’s letter dated 31.01.2001.”***

In Para 6 directions with regard to the payment of interest the following directions were issued:

***“The petitioner will also be entitled to arrears of last three years from the date of filing of this OA which was filed on 15.07.2015 along with interest @ 9% per annum.”***

Grievance of the applicant now is that as in spite of repeated requests the directions have not been complied with, he again has to invoke the jurisdiction under Section 14 claiming the same relief. Respondents raised an objection with regard to the maintainability of this application on the ground that once judicial pronouncement in favour of the applicant has been made, this application is not maintainable and the applicant should come in a proceedings for execution of the order. The objection of the respondents appears, prima facie, to be very attractive but it is only a technical objection. The fact remains that the judicial pronouncement of this Court ordered way back in 2015, with regard to the grant of disability benefit to the applicant and broadbanding it to 50% has not been complied with even though 7 years has passed.

We therefore issue notice to the respondents to show cause as to why coercive action should not be taken against them for non-implementation of the order passed in 2015.

The entire record of the actions taken should be produced before this Tribunal within four weeks.

List the matter again on **1<sup>st</sup> May, 2023**.

A copy of this order be provided **‘DASTI’** to learnedcounsel for both the parties.

**[JUSTICE RAJENDRA MENON]**  
**CHAIRPERSON**

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

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