

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

140.

OA 605/2024 with MA 737/2024

Ex Nk Shyama Pada Sahoo	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. Devendra Kumar, Advocate
For Respondents	:	Ms. Sheetal Raghuvanshi, Advocate

CORAM

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

O R D E R  
19.11.2024

Learned counsel for R1 to R4 have filed a counter affidavit on 02.08.2024. Respondent no. 4 PCDA (P) Allahabad, represented by Mr. Rakesh Kumar. A perusal of the counter affidavit filed by R1 to R3 indicates that they have made certain communications to the PCDA (P) Prayagraj on 16.04.2024 vide Annexure R-9 of the counter affidavit and the issue is pending before the PCDA(P) Prayagraj. Further, a perusal of the counter affidavit in para (E) of the counter affidavit indicates as under:

*"Subsequently, the petitioner had prefer the appeal dated 12 May 2006 which was decided by the Appellate Committee on First Appeals (ACFA) stating that"..The Appellate Committee on First Appeals (ACFA) has carefully considered the appeal dated 12 May 2006 submitted by the above named individual in the light of relevant rules and medical/administrative provisions and has decided that the ID "CNS (INV) SEIZURE" should be regarded as aggravated by Military service and the degree of disablement be viewed at 30% for life. However, the individual was discharged from service on 31 Aug 2005 on medical grounds before completion of terms of engagement. Therefore he is deemed to have been invalided out from service in terms of regulation 173A of PRA(Pt- 1)-1961 and is entitled to DP @ 50% for life wef 01 Sep 2005 in terms of Para 7.2 of Govt of India, Min of Def letter No 1(2)/97/D(Pen-C) dated 31 Jan 2001. PPO may be issued accordingly". The decision of ACFA was received vide ADGPS, AGs branch letter No B/40502/1493/06/AG/PS-4(Imp-II) dated 08 May 2007.*

*Thereafter, Signals Records vide letter No P/15365436/DP-2/NER dated 12 July 2007 had forwarded the copy of ADGPS, AGs Branch letter dated 08 May 2007 to PCDA (P) Prayagraj along with service/medical documents of the petitioner and requested to notify the PPO. Consequently, PCDA (P), Prayagraj had notified the disability element PPO No D/E/906/2007 dated 13 September 2007. A copy of ibid PPO was also forwarded to the paying bank under a copy to the petitioner by Signals Records vide letter No P/15365436/DP-2/NER/663 dated 17 October 2007 for making necessary payments. However, due to data migration into SPARSH his disability element data was not migrated. Accordingly Signals Records vide their letter No P/15365436/DP-6/NER dated 16 April 2024 has approached to PCDA (Pension) Prayagraj to migrate the data in SPARSH and issue corrigendum PPO. Confirmation in this regard is still awaited from PCDA (Pension) Prayagraj and outcome of the same will be submitted before the Hon'ble Tribunal on receipt from PCDA (Pension) Prayagraj.*

*A true copy of letter dated 08.05.2007 is annexed herewith and marked as Annexure R-6”.*

2. We draw attention of the officials of the PCDA(P) present in the court and direct him to seek instructions in the matter.
3. Learned counsel for the respondents to supply a copy of the counter affidavit filed by R1 to R3 on 02/08/2024 to the representative PCDA(P), Allahabad within three days.
4. List the matter for hearing on 10/01/2025.
5. Let a copy of this order be given '***DASTI***' to the respondents.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

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