

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

2.

OA 1346/2025

Sgt Kumar Burathoki (Retd)		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Tatsat Shukla and Mr. Rajeev Kumar, Advocate
For Respondents	:	Ms. Jyotsna Kaushik, Advocate

CORAM

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

O R D E R
13.05.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed the present application challenging the order dated 05.08.2024 (Annexure A1), whereby his claim for grant of disability pension has been rejected.

2. From the facts brought on record, it is evident that on 16.10.2024 the applicant had filed a first appeal against the said order. However, the first appeal was not decided. Thereafter, since the first appeal remained undecided, the applicant did not avail the remedy available under the policy of filing a second appeal.

3. It is pertinent to note that under the relevant policy, there exists a provision for filing a first appeal and,

thereafter, a second appeal before the Competent Authority. The Competent Authority, acting as the Second Appellate Authority, is required to exercise its jurisdiction by considering the medical records and other relevant materials while deciding such appeals.

4. In view of the above, it is considered appropriate to direct the Competent Authority to treat this application filed under Section 14 as a second appeal and decide the same in accordance with the policy and law.

5. Accordingly, the following directions are issued:

- a) The respondents shall treat this application filed by the applicant under Section 14 of the AFT Act as a second appeal.
- b) The same shall be placed before the Competent Authority who is authorized to decide the second appeal under the applicable policy.
- c) The said authority shall consider and decide the second appeal in accordance with law, rules, and relevant policy within a period of six months from today.

6. In case the applicant continues to have any grievance after the decision of the second appeal, he shall be at liberty to file a miscellaneous application seeking restoration of this

application under Section 14, along with a prayer for quashing the order passed in the second appeal.

7. With the aforesaid observations and directions, the OA stands disposed of for the time being.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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