

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

5.

OA 1492/2025

Ex MWO Upendra Kumar Ins/Fit		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. V S Tomar, Advocate
For Respondents	:	Ms. Jyotsna Kaushik, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R
19.05.2025

OA 1492/2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 (hereinafter referred as AFT Act, 2007), the applicant has filed this application challenging the order dated 30.11.2024 (Annexure A-1), whereby his claim for grant of disability pension has been rejected.

2. From the facts brought on record, it is evident that on 25.01.2025, the applicant had filed a 1st Appeal against the said order. However, the 1st Appeal was not decided. Thereafter, since the 1st Appeal remained undecided, the applicant did not avail the remedy available under the policy of filing a 2nd Appeal.

3. It is pertinent to note that under the relevant policy, there exists a provision for filing a 1st Appeal and, thereafter, a 2nd Appeal before the Competent Authority. The Competent Authority, acting as the 2nd 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 of the AFT Act, 2007, as a 2nd 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, 2007 as a 2nd Appeal.

(b) The same shall be placed before the Competent Authority who is authorised to decide the 2nd Appeal under the applicable policy.

(c) The said authority shall consider and decide the 2nd 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 2nd Appeal, he shall be at liberty to

file a miscellaneous application seeking restoration of this application under Section 14 of the AFT Act, 2007, along with a prayer for quashing the order passed in the 2nd Appeal.

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

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[RASIKA CHAUBE]
MEMBER (A)**

Neha
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