

**COURT No.3  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

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OA 496/2021 With MA 1551/2023

Captain (IN) Chandra Sekhar Panda (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. K R Verma, Advocate  
For Respondents : Mr. Niranjana Das, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
17.04.2023

MA 1551/2023

This is an application filed on behalf of the respondents for condonation of delay of **433** days in filing the counter affidavit. In view of the reasons explained in MA and in the interest of justice, the MA 1551/2023 is allowed and the delay in filing the counter affidavit is condoned.

OA 496/2021

Submissions have been addressed on behalf of the applicant. During the course of submissions made on behalf of the respondents, reliance is sought to be placed on Annexure R-3 to the counter affidavit filed on behalf of the respondents dated 04.03.2022 which is cryptic in its statement to the effect:-

*“2. After due examination of your Second Appeal for grant of Disability Pension for the IDs (i) Primary Hypertension (ICD No. I 10.0), (ii) Coronary Artery Disease (ICD No. I 25.4) and (iii) IGT (ICD No. E 11.0) in the light of relevant rules and administrative / medical provisions, it has been decided by the Second Appellate Committee on Disability Pension (SACDP) that you are not entitled for Disability Pension.”*

The said document does not even bear the date of the decision of Second Appellate Committee declining the disability pension nor is the copy of the proceedings of the Second Appellate Committee placed on record by the respondents.

The proceedings of the Second Appellate Committee declining the prayer made by the applicant for the grant of disability pension be placed on record by the respondents within a period of two weeks as prayed with a copy being supplied to the applicant.

List the matter for final hearing on **03.05.2023**.

A copy of this order be given ***DASTI***.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

AP/SP