

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

92.

OA 2183/2019 with MA 3044/2019

Ex Nb Sub Vinod Kumar Chouhan	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. Virender Singh Kadian, Advocate
For Respondents	:	Mr. V Pattabhi Ram, Advocate

CORAM

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

O R D E R  
04.04.2024

On 08.08.2023, a bench which heard the matter passed the following order:-

*“No counter affidavit has been filed on behalf of the respondents in terms of proceedings dated 11.04.2023. The right to file the same thus stands closed.*

*A perusal of the record indicates that even the impugned order is not on the record. The respondents are directed to produce all documents qua the applicant inclusive of the COI proceedings, injury report and the RMB proceedings on the next date of hearing.*

*Re-list the matter for final hearing on 17.10.2023.*

*Copy of this order be given DASTI”*

Thereafter the matter has come up for hearing today.

2. Learned counsel for the respondents submit that all the documents as called for by order passed on 08.08.2023 are present and available with him and he can produce it for perusal of this Tribunal. However, respondents have produced today before us a pension payment order bearing No.

DE/013825/2012 and makes a submission that disability pension along with rounding off of facility has been granted to the applicant and, therefore, nothing further survives for adjudication or grant of benefit to the applicant.

3. It is their contention that these facts could not be brought on record as the right to file counter affidavit is closed.

4. Taking note of the aforesaid circumstances, it is directed that the matter be listed before the same Bench which considered the issue on 08.08.2023 and the learned bench after considering the aforesaid aspect of the matter may take note of the assertion made today during the course of hearing of the respondents and take a decision.

5. Re-list on **03.05.2024** before the same bench.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

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