

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

7.

MA 3780/2023 in OA 818/2020

Col Arun Kumar (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : None
For Respondents : Mr. Neeraj, Sr CGSC with Mr. Sanjay, Advocate
Maj A.R. Subramaniam, OIC, Legal Cell

CORAM

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN PM HARIZ, MEMBER (A)**

**ORDER
09.05.2024**

1. Four weeks time is sought by the respondents to place on record the proof of payment of costs of Rs. 5,000/- as imposed vide order dated 12.02.2024. The same be placed on record within a period of four weeks in the form of Demand Draft in the name of the applicant towards payment of costs.
2. Furthermore, a submission is made on behalf of the respondents that they intend to assail the order dated 13.03.2023 in OA 818/2020 by filing a writ against the same. Annexure A-1 placed on the record of the present MA 3780/2023 as also the original records of OA 818/2020 indicate that the prayer made on behalf of the respondents seeking Leave to Appeal against the said order has been expressly declined vide order dated 03.03.2023.
3. Vide orders dated 15.09.2023, 06.12.2023, 12.02.2024 and 26.03.2024, the respondents had been granted six weeks, four weeks,

four weeks and four weeks time respectively for compliance of the said directions which have till date not been complied with.

4. In view of submissions made on behalf of the respondents now, In the event of there being no stay order of the operation of the order dated 03.03.2023 in OA 818/2020 being placed on the record by the respondents on the next date of hearing, the affidavit of compliance of the said directions along with the demand draft for sum of Rs. 50,000/- in the name of the applicant towards payment of costs in addition to the cost of Rs. 5,000/- as directed vide order dated 12.02.2023 being placed on record by the respondents.

5. A submission has been made on behalf of the respondents that in a similar matter in WP(C) 4166/2024 vide order dated 19.03.2024, the grant of the disability element of pension therein has been stayed by the Hon'ble High Court of Delhi. Qua the said submission, it is essential to observe that disability or *in personam* and not *in rem*, the said submission made on behalf of the respondents cannot be countenanced.

Re- list the matter on **11.07.2024**

Copy of the order be given **DASTI** to the respondents for compliance.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN PM HARIZ)
MEMBER (A)