

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

17.

MA 5509/2023 in OA 1663/2019

Gp Capt A S Kumaran (Retd.) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. A K Chaudhary, proxy for  
Mr. Baljeet Singh, Advocate  
For Respondents : Mr. K K Tyagi, Advocate

CORAM

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

ORDER  
09.05.2024

The applicant vide the present MA 5509/2023 seeking compliance of the order dated 07.08.2023 in OA 1663/2019 whereby vide paragraphs 15 & 16 thereof it was directed to the effect:-

*“15. Thus, the OA 1663/2019 is allowed and the applicant is held entitled to the grant of the disability element of pension for the disability of Diabetes Mellitus @ 20% for life, which in terms of the verdict of the Hon'ble Supreme Court of India in CA 418/2012 dated 10.12.2014 titled as UoI & Ors. Vs. Ramavtar, is rounded off to 50% for life from the date of retirement.*

*16. The respondents are directed to calculate, sanction and issue the necessary Corrigendum PPO to the applicant within three months from the date of receipt of the copy of this order and in the event of default, the applicant shall be entitled to the interest @ 6% per annum till the date of payment.”*

The records of the OA 1663/2019 indicate to the effect that vide a separate order dated 07.08.2023, the prayer made on

behalf of the respondents seeking leave to appeal against the said order has been expressly declined in terms of section 31(1) of the AFT, Act 2007.

Despite time granted vide orders dated 04.01.2024 and 14.03.2024 of six weeks and four weeks, respectively, as prayed by the respondents for compliance of the said directions, the same have not been complied with.

On behalf of the respondents it is now submitted that they intend to assail the order dated 07.08.2023 in OA 1663/2019 by filing the writ petition.

In the event of there being no stay order of the operation of the order dated 07.08.2023 in OA1663/2019 being placed on the record by the respondents for the next date of hearing, the affidavit of compliance of the said directions be placed on record by the respondents with the demand draft for payment of costs of a sum of Rs. 50,000/- in the name of the applicant.

Re-list the matter on **11.07.2024**.

Copy of this order be given *DASTI*.

**(JUSTICE ANU MALHOTRA)**  
**MEMBER (J)**

**(LT GEN P.M. HARIZ)**  
**MEMBER (A)**