

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

14.

MA 2055/2024 in OA 90/2020

Col Shashank Sihorkar (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. I S Yadav, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

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

ORDER
22.05.2024

MA 2055/2024 has been filed by the applicant on 09.05.2024 seeking implementation of the order dated 01.11.2023 in OA 90/2020 whereby vide Paras 15 and 16 thereof, it was directed to the effect :-

“15. In view of the aforesaid judicial pronouncement and the parameters referred to above, the applicant is entitled for the grant of the disability element of pension in respect of disability ‘Primary Hypertension’ for life which is rounded off to 50% for life with effect from the date of his discharge in terms of the verdict of the Hon’ble Supreme Court in the case of UOI & Ors. Vs. Ram Avtar (Civil Appeal No. 418/2020), decided on 10.12.2014.

16. The respondents are directed to calculate, sanction and issue the necessary PPO to the applicant within a period of three months from the date of receipt of the copy of this order and the amount of arrears shall be paid by the respondents, failing which the applicant will be entitled for interest @6% p.a. from the date of receipt of copy of the order by the respondents.”

2. The records of the OA 90/2020 indicate that vide a separate order dated 01.11.2023, the prayer made on behalf of the respondents seeking grant of leave to appeal against the said order in terms of Section 31(1) of the AFT Act, 2007 has been expressly declined.
3. A submission is now made on behalf of the respondents that they intend to assail the said order dated 01.11.2023 in OA 90/2020 by filing a writ petition.
4. In view thereof, in the event of there being no stay order of the operation of the order dated 01.11.2023 in OA 90/2020 being placed on the record by the respondents for the next date of hearing, the affidavit of compliance of the said directions with the demand draft for a sum of Rs. 50,000 in the name of the applicant towards payment of costs be placed on the records by the respondents.
5. The matter be re-notified for hearing on **04.10.2024**.
6. Copy of this order be given *DASTI* as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)