

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

27.

MA 801/2024 IN OA 41/2022

Col Manish Midha (Retd)	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. Chaitanya Agarwal, Advocate
For Respondents	:	Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R  
01.09.2025

MA 801/2024

The order passed by this Tribunal in OA No. 41/2022 as directed by this Tribunal had already been paid to the applicant. However on a challenge made to the order before the Hon'ble Delhi High Court vide writ petition WP © 8434/2024 while dismissing the writ petition on 06.02.2025 the Hon'ble High Court in Para 13 and 14 of the order has issued the following directions:

*“ 13 As the Impugned Order is dated 29.08.2023 and the present writ petition was filed after a delay of almost one year, we further direct that the arrears of the disability pension shall be paid to the respondent along with the interest @ 9% p.a., as was also directed by the learned AFT in the impugned order.*

*14. The petitioners shall also pay cost of Rs. 50,000/- to the respondent for unnecessarily dragging the respondent to this Court.*

It is pointed out by Shri Agarwal that interest at the rate of 9% as directed by the AFT has not been paid and the cost of Rs.50,000/- has also not been paid. On a perusal of the OA, record of the OA 41/2022 and the original order passed in OA 41/2022 allowing the application on 29.08.2023 we find that while allowing the OA the Bench had taken note of the prayer made for grant of 8% interest from the date of retirement. However while passing the order in Para 6 it was directed that the application is allowed, the disability element of pension be granted to the applicant at the rate of 30% rounded off to 50% w.e.f the date of his discharge and it was specifically stated that all other claims are rejected meaning thereby that the claims for interest was also rejected. Therefore the observations made by the Hon'ble High Court in Para 13 of the order directing to pay 9% interest as directed by this Tribunal seems to be an error. The respondents may bring this fact to the notice of the Hon'ble High Court and seek correction of the order. As far as payment of Rs.50,000/- cost by the High Court is concerned, the same has not been paid and the same be now paid and a compliance report submitted within four weeks.

List the matter again on **28.10.2025**.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[RASIKA CHAUBE]  
MEMBER (A)**