

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

36.

OA 607/2016

Maj Amarjeet Singh Virk (Retd) ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. VS Kadian, Advocate  
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

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

**ORDER**  
**22.08.2023**

Submissions have been partly addressed on behalf either side. During the course of submissions made, on behalf of the applicant, it has been submitted that the Prayer 8(a) seeking notional reinstatement as well as Prayer 8(c) seeking the grant of all the benefits which are admissible to the applicant including the measures of rehabilitation such as allotment of petrol pump, CNG Stations by treating him a battle casualty are not pressed. It is further submitted on behalf of the applicant that all that the applicant through the present OA now seeks the grant of war injury pension.

2. Much reliance is placed on behalf of the applicant during the course of submissions made to the averments made as well as to the annexures annexed to the rejoinder dated 29.06.2019 filed on behalf of the applicant in relation to which it is submitted on behalf of the respondents that they seek to respond to the same.

Though there is vehement opposition to the same on behalf of the applicant, in the interest of justice, for a fair adjudication of the *lis*, only one opportunity is granted to the respondents to file the sur-rejoinder to the said rejoinder filed by the applicant, within a period of four weeks, with a copy thereof being supplied to the counsel for the applicant before the next date fixed.

Furthermore, the respondents shall also put forth the relevant policies/statutory/administrative provisions on the basis of which the averments have been made in Para 4 of the counter affidavit dated 11.04.2017, which reads to the effect :

*“4. That an officer who sustains injury/injuries in war or war like situation, counter insurgency operation/terrorist action etc. is eligible for war injury pension provided the disability is assessed at 20% or more. The war injury disability should also be substantiated by following other casualties/reports :*

- (a) Pt-II order of Battle Casualty.*
- (b) Hospital admission and opinion of the medical board towards nature of injury and its attributability.*
- (c) Wound medal as a result of battle injury.*
- (d) Medical Category as a result of War Wound.”*

3. Re-list the matter on 26.09.2023 for further arguments.

Copy of this order be given **‘Dasti’** to the learned counsel for the parties.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

