

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

8

OA 1837/2023 with MA 2655/2023

Lt Col Archana Shukla (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Baljeet Singh, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

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

ORDER
17.07.2023

The prayers made vide the present OA are to the effect:-

“(a) To direct the respondents to grant disability element of pension @54% with effect from the date of retirement as her disabilities have been held as attributable to / aggravated by service.

(b) To direct the respondents to grant the benefit of broad banding @75% (54% to be rounded of @75%).

(c) To direct the respondents to pay the due arrears of disability element of pension with interest @12% p.a. with effect from the date of retirement till actual payment.

(d) To pass such further order or orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”

Along with the same is MA 2655/2023 filed on behalf of the applicant seeking condonation of delay in filing the OA. It is submitted on behalf of the applicant that despite submission of the first appeal dated 21.11.2022 against the rejection of the

disability claim made by the applicant despite the RMB having opined the disabilities of the applicant inter alia either to be attributable or aggravated by the military service, the same has not been adjudicated by respondents. In view thereof, in terms of Section 21(2)(b) of the AFT Act 2007, notice of the OA and the accompanying MA 2655/2023 issued to the respondents, accepted on their behalf.

Counter affidavit with the complete RMB proceedings inclusive of clinical assessment as well as the response to MA 2655/2023 be filed by the respondents within a period of four weeks.

Rejoinder, thereto be filed by the applicant within a period of four weeks thereafter.

List the matter before the Principal Registrar on **29.09.2023** for completion of pleadings and before the Bench thereafter.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

SP