

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

12.

OA 2986/2024 WITH MA 3327/2024

Ex EAR-3 Ghanshyam Yadav		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Ved Prakash, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R
20.08.2024

Issue notice both on MA and OA. Mr. Rajeev Kumar, learned counsel appearing on behalf of the respondents, accepts notice.

2. The prayer made by the applicant in this OA reads as under:-

(a) Direct the respondents to issue PPO of disability pension w.e.f. from the date of discharge with all consequential benefits with immediate effect.

(b) Direct the respondents to pay arrears with interest @12% from his retirement.

3. Vide Annexure A-2, dated 26.08.2010, the Commander, Senior Staff Officer (Pension) for Commodore, communicated to the Principal Controller of Defence Accounts (Navy) Pension Cell, Mumbai, that the Competent Authority, after reviewing the case in light of the relevant

rules and administrative/medical provisions, had determined that the disability, namely Seizure Disorder (Idiopathic GTCS) ICD No. G-40.6, from which the applicant was suffering at the time of the Release Medical Board, should be considered as not attributable to but aggravated by military service with a degree of disablement assessed at 20% for life.

4. Accordingly, it was directed that the applicant, who was discharged from service on 31.08.2010 under Navy Rules upon completion of 10 years of engagement, be deemed to have been discharged in terms of the Pension Regulations for the Navy and is entitled to disability pension at the rate of 20% for life, effective from 01.09.2010. The Pension Payment Order (PPO) was to be issued accordingly.

5. However, despite the above, no action was taken. The applicant vide Annexure A-11, represented the matter and when no response was forthcoming, sought information under the Right to Information Act, 2005. The Pension Payment Authority communicated its decision to the applicant on 24.06.2024, indicating in Para 2 of the said communication that the matter had been referred for grant of time-barred sanction for processing the applicant's case. It remains unclear why the matter was left pending for over 14 years and why the delay on the part of the

respondents should result in the denial of benefits to the applicant.

6. The respondents are directed to show cause as to why the applicant's claim, along with interest, should not be allowed as there appears to be no evidence of any lapse on the part of the applicant. The respondents are further directed to either file their reply to the show cause notice or settle the applicant's claim within six weeks and submit a report to this Tribunal.

7. List again on **09.10.2024**.

8. A copy of this order be given ***DASTI*** to both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]
MEMBER (A)**

**Ps
OA 2986/2024**