

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

10.

MA 226/2024 with MA 1633/2024 in OA 687/2021

Ex WO Mani Lal Prasad Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Durgesh Kumar Sharma, proxy for
Mr. Baljeet Singh, Advocate
For Respondents : Mr. Prabodh Kumar, Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER
25.07.2024

As was submitted on 28.05.2024 on behalf of the respondents, they submit again that they intend to assail the order dated 10.07.2023 in OA 687/2021 by filing a writ petition.

2. The order dated 28.05.2024 reads specifically to the effect:-

MA 226/2024 has been filed by the applicant on 12.01.2024 seeking implementation of order dated 10.07.2023 in OA 687/2021 whereby vide para 17 thereof, it was directed to the effect :-

“17. Therefore, in view of our analysis, the OA 687/2021 is allowed and the Respondents are directed to grant the benefit of the disability element of pension @20% for life (for DIABETES MELLITUS Type II) & @30% for life (for Primary Hypertension (Old)), compositely assessed @ 44% (rounded off to 40%) for life rounded off to 50% for life in view of judgment of Hon'ble Apex Court in Union of India versus Ram Avtar (supra) from the date of discharge i.e 31.01.2019. The arrears shall be disbursed to the applicant within three months of receipt of this order failing which it shall earn interest @ 6% p.a. till the actual date of payment.”

2. The records of the OA 687/2021 indicate that vide a separate order dated 10.07.2023 the prayer made by the respondents seeking the grant of leave to appeal against the said order has been expressly declined in terms of Section 31(1) of the AFT Act, 2007.

3. Vide orders dated 18.01.2024, 02.04.2024 in the present application, the respondents were granted six weeks and four weeks, respectively as prayed by them for compliance of the said directions with a similar prayer seeking time having been made on 09.04.2024 which submission is now made on behalf of the respondents that they intend to assail the order by filing a writ petition.

4. In view thereof, in the event of there being no stay order of the operation of the order 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. Notice of MA 1633/2024 filed by the applicant with the following prayers :-

“In view of the submissions made hereinabove it is most respectfully prayed that this Hon’ble Tribunal may be pleased to direct the Respondents to execute/implement the Order dated 10.07.2023 in OA No. 687/2021 titled as Ex-WO Mani Lal Prasad Vs. Union of India & Ors., with immediate effect to meet the ends of equity, justice and fair play.”

is issued to the respondents.

6. The matter be re-notified for hearing on 25.07.2024.

7. Copy of this order be given **DASTI** as prayed.”

3. The costs as imposed vide order dated 28.05.2024 have not been paid by the respondents nor is there any stay order of the operation of the order dated 10.07.2023 in OA 687/2021 placed on the record by the respondents.

4. In view thereof, in addition to the costs as imposed vide order dated 28.05.2024 to the tune of Rs. 50,000/- to be paid by the respondents to the applicant vide a demand draft in the name

of the applicant, additional costs of Rs. 75,000/- are now imposed on the respondents to be paid by the respondents to the applicant vide a demand draft in the name of the applicant on the next date of hearing.

5. Re-list the matter on **22.08.2024**.
6. Copy of this order be given *DASTI* as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P. M. HARIZ)
MEMBER (A)

AP