

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

28.

MA 407/2026 in OA 807/2022

Ex Rect Nardev Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate
Maj Abhishek Kumar, OIC, Legal Cell

CORAM

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

ORDER
26.02.2026

MA 407/2026 has been filed by the applicant seeking modification of the order dated 30.10.2025 in OA 807/2022 seeking to the effect that the applicant be held entitled to the arrears from the date of his invalidment i.e. from 13.05.2021.

2. Vide order dated 30.10.2025 in OA 807/2022 vide paras 22 and 23 thereof, it was directed to the effect:-

“22. We find no reason to differ from the law laid down in Chhote Lal (supra) and in A.K. Thapa (supra), and we are therefore of the considered view that the applicant has to be deemed to be invalided out of service on account of the disability of 'FRATURE DISTAL THIRD SHAFT TIBIA & FIBULA (RT) (OPTD) (ICD S82.9)' as the applicant had rendered around 01 year and 08 months of service and was invalided out before completing his term of initial engagement. Thus, the applicant is held entitled to the grant of invalid pension.

23. The respondents are thus directed to calculate, sanction and issue the necessary PPO to the applicant within a period of three months from the date of receipt of copy of this order and the amount of arrears shall be restricted to commence

to run from a period of 03 (three) years prior to the date of filing of the present OA i.e., 08.04.2022, and shall be paid by the respondents, failing which the applicant shall be entitled for interest @ 6% p.a. from the date of receipt of copy of the order by the respondents.”

3. Vide para 8 of the said order, it is indicated that the applicant having been found medically unfit for further service in the Indian Army was invalided out on 13.05.2021. To similar effect is the submission made by the respondents in the counter affidavit filed by them on 01.12.2022 in OA 807/2022 vide averments in para 1 thereof that the applicant was invalided out from service on 13.05.2021 (AN) under Army Rule 13 (3) (iv) being medically unfit for further military service.

4. In as much as vide para 23 of the order dated 30.10.2025 in OA 807/2022, it was directed to the effect that the amount of arrears would be restricted to commence to run from a period of three years prior to the date of filing of the OA i.e. 08.04.2022 and is to be paid by the respondents failing which the applicant would be entitled to interest at the rate of 6%p.a. from the date of receipt of copy of the order by the respondents, apparently, the prayer made by the applicant vide the present application that he be granted the invalid pension from the date of invalidment stands covered in as much as his date of invalidment is 13.05.2021 and stands covered within the period of three years prior to the institution of the OA on 08.04.2022.

5. Learned counsel for the applicant, however, submits that the only cause for filing the present application is that in as much as the period of three years prior to the institution of the OA from 08.04.2022 would then be 08.04.2019 and the respondents may then not comply with the directions dated 30.10.2025 in the OA 807/2022.

6. The said submission made on behalf of the applicant is undoubtedly correct. In view thereof, the paragraph 23 of the order dated 30.10.2025 in OA 807/2022 is thus modified to read to the effect as under:-

“The Respondents are thus directed to calculate sanction and issue the necessary PFO to the applicant within a period of three months from the date of receipt of the copy of the order, failing which, the applicant shall be entitled for interest at the rate of 6% per annum from the date of receipt of the copy of the order by the respondents.”

7. The MA 407/2026 is thus disposed of accordingly.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

