

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

21.

MA 2144/2024 in OA 1163/2020

Sgt Abhishek Kumar (Retd) Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kumar Gupta, Advocate

For Respondents : Mr. R S Chhillar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

17.05.2024

MA 2144/2024 has been filed by the applicant on 09.05.2024 seeking implementation of the order dated 07.11.2023 in OA 1163/2020 whereby vide Para 23 thereof, it was directed to the effect :-

“23. In the circumstances, the OA 1163/2020 is partially allowed and the applicant is held entitled to the grant of the disability element of pension qua the disability of the applicant i.e. Chronic Angle Closure Glaucoma (BE) assessed at 30% for life, which is directed to be broad banded to 50% for life in term of the verdict of the Hon'ble Supreme court in Union of India vs. Ram Avtar decided on 10.12.2014 in Civil Appeal No. 418/2012 with effect from the date of his discharge and the respondents are directed to issue the corrigendum PPO with directions to the respondents to pay the arrears within the period of three months from the date of receipt of a copy of this order, failing which, the respondents would be liable to pay interest @6% p.a. on the arrears due from the date of this order.”

The records of OA 1163/2020 indicate that the prayer made on behalf of the respondents seeking leave to appeal in terms of Section 31(1) of the AFT Act, 2007, in relation to the part of the OA having been allowed,- was expressly declined. Whilst accepting notice on behalf of the respondents it is submitted that the intend to assail the said order dated 07.11.0223 by filing a writ petition.

In view thereof, in the event of there being no stay order of the operation of the order dated 07.11.2023 in OA 1163/2020 being placed on the records by the respondents for the next date of hearing, the affidavit of compliance of the said directions with the demand draft for sum of Rs. 50,000 in the name of the applicant towards payment of costs be placed on the records by the respondents.

The matter be re-notified for hearing on **03.10.2024**.

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

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

Yogita