

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

15.

MA 226/2024 in OA 687/2021

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

For Applicant : Mr. A K Chaudhary, Proxy for  
Mr. Baljeet Singh, Advocate  
For Respondents : Mr. Prabodh Kumar, Advocate

CORAM

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

ORDER  
02.04.2024

Four weeks time is sought by the respondents for compliance of directions 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 @60% p.a. till the actual date of payment.”*

The records of the OA 687/2021 indicate that vide a separate order dated 10.07.2023, the prayer made by the respondents seeking grant of leave to appeal in terms of Section

31(1) of the AFT Act, 2007 has been expressly declined. Time was granted to the respondents vide order dated 18.01.2024 for compliance of directions dated 10.07.2023 in OA 687/2021.

In view thereof, in terms of Rule 25 of the AFT Procedure Rules, 2008, Section 29 of the AFT Act, 2007 the orders dated 19.05.2014 of the Hon'ble High Court of Punjab & Haryana in *Navdeep Singh Vs. Union of India & Ors.* wherein it has been observed to the effect:-

*"We may notice that the petitioner itself has extracted Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008 which reads as under:-*

**"Powers of the Tribunal with regard to certain orders and directions:-**

*Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice."*

*The aforesaid aspect has been elucidated in the written statement filed by the Union of India to the effect that in doing so the Tribunal can even adopt any of the recourses, ordinarily observed in the Civil Court in executing its decrees under Order XXI of the Code of Civil Procedure, 1908.*

*In view of the aforesaid stand, learned counsel for the petitioner states that the grievance of the petitioner really does not subsist as the matter stands elucidated."*

wherein the Union of India vide its written statement elucidated in relation to the aspect of Rule 25 of the AFT Procedure Rules, 2008 that the Tribunal can adopt any of the recourses, ordinarily observed in the Civil Court in executing its decrees under Order XXI of the Code of Civil Procedure, 1908, which statement by the

Union of India in Civil Writ Petition No. 27324 of 2013 before the Hon'ble High Court of Punjab & Haryana at Chandigarh cannot relate to an isolated case before the Hon'ble High Court of Punjab & Haryana and relates to the statement made on behalf of the Union of India by which the respondents the Union of India in the instant case shall also continue to remain bound, in view thereof till compliance of directions dated 10.07.2023 in OA 687/2021. The details of the bank account of the respondents which is sought to be attached be placed on the record by the applicant through an affidavit.

The matter be re-notified for hearing on **09.04.2024**.

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

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

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

Yogita