

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

11.

MA 4/2024 in OA 1576/2019

Sgt Pawan Kumar (Retd.) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

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

ORDER
17.05.2024

MA 4/2024 has been instituted on 29.12.2023 by the applicant seeking compliance of order dated 31.08.2023 in OA 1576/2019 whereby vide paras 13 and 14 thereof it was directed to the effect:-

“13. Therefore, the OA 1576/2019 is allowed. The respondents are directed to grant the disability element of pension to the applicant @ 80% for life which is directed to be rounded off to 100% for life from the date of discharge in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012) decided on 10.12.2014.

14. Accordingly, the respondents are directed to calculate, sanction and issue necessary PPO to the applicant within a period of three months from the date of receipt of a copy of this order, failing which, the applicant shall be entitled to interest @ 6% per annum till the date of payment.”

2. A perusal of the record of OA 1576/2019 indicate that the prayer made on behalf of the respondents seeking leave to appeal

against the said order had been expressly declined vide a separate order dated 31.08.2023 in terms of Section 31 of the AFT Act, 2007. Vide order dated 05.01.2024 in MA 4/2024, the respondents were granted six weeks time as prayed by them to submit the compliance report which has till date not been filed.

3. A submission is now made on behalf of the respondents that they intend to assail the order dated 31.08.2023 in OA 1576/2019 by filing a writ petition. In the event of there being no stay order of the operation of the order dated 31.08.2023 in OA 1576/2019 being placed on the record by the respondents, for the next date of hearing the respondents shall place on record the affidavit for compliance of the said directions along with a demand draft for payment of costs of a sum of Rs. 50,000/- in the name of the applicant.

4. The prayer made on behalf of the respondents seeking reduction of the costs imposed hereinabove is declined.

5. The matter be re-notified for hearing on **06.09.2024**.

The copy of this order be given *DASTI*, as prayed.

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

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