

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

3.

MA 1121/2023 in OA 2568/2022

Hav D Srinivasa Rao (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Rajan Khosla, Advocate

CORAM

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

ORDER
07.05.2024

1. The present application MA 1121/2023 filed by the applicant had sought implementation of the order dated 13.12.2022 in OA 2568/2022 whereby vide Para~ 6 thereof, it was directed to the effect:~

“6. The OA 2568/2022 is thus allowed and the respondents are directed as under:-

(i) Calculate the pension of the applicant based on the last held rank by him before retirement i.e. Havildar, and in consonance with the principles of calculation that have been upheld in JWO Gopalakrishnan in this regard; and
(ii) The applicant will be accordingly issued a fresh Corrigendum PPO in the last rank held by him within two months and the arrears paid accordingly, failing which, it shall carry interest @ 6% till actual payment.”

2. On behalf of the respondents, time had repeatedly been sought on 24.03.2023, 10.05.2023, 13.07.2023, 31.08.2023, 27.09.2023, 08.11.2023, 15.01.2024, 26.03.2024 for compliance

of the said directions which have till date not been complied with. There is nothing on the records of OA 2568/2022 to indicate that the respondents had sought any Leave to Appeal against the said order within the stipulated period of time in terms of Section-31(1) of the AFT Act, 2007.

3. A submission is now made on behalf of the respondents that a Writ Petition has been filed before the Hon'ble High Court of Delhi on 21.02.2024 vide Diary no. E-503975/2024 which however is yet to be listed. Learned counsel for the applicant submits that a caveat has been filed by him and that there has been no notice received by the applicant. In the event of there being no stay order of the operation of the order dated 13.12.2022 in OA 2568/2022 being placed on the records by the respondents for the next of hearing, the affidavit of compliance of the said directions with the demand draft for sum of Rs. 50,000/- in the name of applicant towards payment of costs, be placed on the record by the respondents. The prayer made on behalf of the respondents seeking reduction of costs imposed herein above is declined.

Re- list the matter on **09.07.2024**

Copy of the order be given DASTI as prayed.

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

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