

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

21.

MA 1715/2024 in OA 2205/2019

Ex HFO Ved Prakash Shukla Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Manoj Kumar Gupta, proxy for
Mr. Virender Singh Kadian, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC

CORAM

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

ORDER
26.07.2024

MA 1715/2024 has been filed by the applicant on 15.05.2024 seeking implementation of the order dated 01.08.2023 in OA 2205/2019 whereby vide para 28 thereof it was directed to the effect:-

“28. In the circumstances, the OA 2205/2019 is allowed and the applicant is held entitled to the grant of the disability element of pension qua the disability of the applicant i.e. Atrial Fibrillation with Controlled Ventricular Rate (Non-Valvular) (ICD No. 1 48) at 40% for life, which is directed to be broad banded to 50% for life in terms 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 of 2012 with effect from the date of his discharge i.e. 31.12.2018 from the IAF, and the respondents are directed to issue the corrigendum PPO with directions to the respondents to pay the arrears within a 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 this order.”

2. The records of the OA 2205/2019 indicate that vide a separate order dated 01.08.2023, the prayer made by the respondents seeking grant of leave to appeal against the said order was expressly declined in terms of Section 31 (1) of the AFT Act, 2007.

3. In the present application MA 1715/2024 whilst accepting the notice of the application, the respondents sought four weeks time to submit the compliance report. No such compliance report has been submitted on the record by the respondents and rather a submission is made to the effect that they intend to assail the order 01.08.2023 in OA 2205/2019 by filing a writ petition. It is undoubtedly open to the respondents to seek redressal as permissible to them in accordance with law. However, in view of the non-compliance of directions dated 01.08.2023 in OA 2205/2019 coupled with the factum however that there is no stay of the operation of the order brought forth on the record by the respondents, the respondents are burdened with the costs to the tune of Rs. 75,000/- to be paid to the applicant for the next date of hearing vide a demand draft in the name of the applicant.

4. The matter be re-notified for hearing on **30.08.2024**

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

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)