

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

50.

MA 132/2023 WITH MA 3118/2023 IN OA 52/2015

Balwan Singh Ex Ch.ERA Applicant
Versus
Union of India & Ors. Respondents

For Applicant : In Person
For Respondents : Mr. Prabodh Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
07.12.2023

MA 132/2023 WITH MA 3118/2023 IN OA 52/2015

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed OA 52/2015. In the OA, the prayers made by the applicant in Para 8 read as under:

“(a) To produce, rely on enrolment documents and compute service on continuous service term from date of enrolment including all leave entitlement for all entitlements of employee.

“(b) Accept enrolment of apprentice for service of sailor is illegal, thus forbidden.

“(c) Definition of Sailor in Navy Act is narrow excludes apprentice.

“(d) Ordinary seaman is lowest rank of sailor ratings.

“(e) Settle remaining pay, pension, gratuity, EPF, leave and retirement.

“(f) Resolve enrolment disputes, stop cheat and deception so that navy can function, prevent fires, explosions sinking of ships, slaughtering of sailors, enforce accountability for public good under Navy Act.”

2. However, when the OA was taken up for final hearing on 12.03.2015, the applicant appeared in-person and made a statement that even though various prayers were made in the OA but he confined his prayer for holding that he has completed more than 15 years service in the Indian Navy and, therefore, he is entitled to grant of service pension. In the alternative, the applicant also submitted that he has joined the service on 02.08.1979 and he was sanctioned preparatory leave before retirement, etc. The OA was allowed and in Para 8, it was directed that the applicant is entitled to the pension at par with the Navy personnel who have completed 15 years of pensionable service and it was directed to be paid to him along with arrears and if not paid within a reasonable period interest @ 12% was to be granted.

3. After the order was passed on 12.03.2015, the applicant, now on 18.01.2023, has filed MA 132/2023, purportedly under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008, seeking correction of the order on various grounds. The only prayer made in this application is to correct various factors stated in the order passed in the OA on the ground that it is incorrect.

4. In our considered view, the MA filed under Rule 25 for the correction of judgment is not proper. The applicant, in

case, the respondents had not executed the order should have filed an application for execution and we find that no such execution application has been filed. On the contrary, another application, i.e., MA 3118/2023 has been filed alleging the breach of oath of allegiance and for correction of the order passed.

5. We are of the opinion that both the MAs are misconceived and we dismiss the same as they are not maintainable.

6. MA 132/2023 and MA 3118/2023 stand disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

Neha
MA 132/2023