

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

47.

MA 3152/2023 in OA 1401/2022

Sgt Shri Prakash Pandey (Retd)

... Applicant

Versus

Union of India &Ors.

... Respondents

For Applicant : Shri P M Tiwari, Advocate

For Respondents : Shri Avdhesh Kumar Singh, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT. GEN. C P MOHANTY, MEMBER (A)

O R D E R

08.08.2023

MA 3152/2023

This application has been filed under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008 seeking correction of the date of discharge of the applicant and also to treat the composite disability as 50% and it is to be rounded off to 75%.

2. As far as the date of discharge of the applicant is concerned, the same being "31.08.2021", we direct that the date of discharge of the applicant appearing in the order be treated as "31.08.2021" and the respondents shall decide the claim of the applicant treating his discharge as "31.08.2021" and not 21.07.2021 or 13.8.2021 as indicated at certain parts of the order. As far as the broad banding of the composite disability from 50% to 75% is concerned, in our

order passed in Para 13 we have specifically indicated that the composite disability of the applicant assessed is less than 50% and treating it to be less than 50%, we have rounded it off to 50% and therefore the question of further rounding it off from 50% to 75%, in the facts and circumstances of the case, does not arise.

3. Accordingly, the application M.A 3152/2023 is partly allowed. The correction of the date of discharge as prayed for is granted and the question of rounding off the disability pension from 50% to 75% being a matter of review beyond the jurisdiction of this application is not considered and rejected. That apart, the name of the applicant in the cause title of the applicant be read as “720051 Sgt Shri Prakash Pandey”.

4. MA stands disposed of.

5. A copy of this order be provided DASTI to learned counsel for both the parties.

**[RAJENDRA MENON]
CHAIRPERSON**

**[C P MOHANTY]
MEMBER (A)**

/jyoti/

