

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

7.

MA 4355/2023 in OA 1885/2023

MWO Kengar Sanjay Baji (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Kritendra Tiwari, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

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

ORDER
17.10.2023

MA 4355/2023

The applicant vide the present MA makes the following
prayers:-

*"It is therefore, most respectfully prayed that this
Hon'ble Tribunal may be pleased to allow Revival of
the OA 1885 of 2023 and decide the matter in
accordance with law in the interest of justice."*

2. Vide order dated 21.07.2023 when the OA had been taken
up for consideration on the first date of hearing, it having not been
taken up on 18.07.2023 as the Bench could not assemble on that
date, no notice of the OA was issued and it was directed as under:-

*"The applicant vide the present OA seeks directions
to the respondents for grant of the disability
element of pension. The applicant alongwith this
OA has filed an MA 2712/2023 seeking
condonation of delay in the filing the OA."*

*2. The First Appeal dated 31.03.2023 filed by the
applicant is stated to be pending consideration. The
respondents are required to dispose of the First*

Appeal filed by the applicant within six months of the filing of the same.

3. The respondents are thus directed to dispose of the First Appeal dated 31.01.2023 of the applicant within a period of six months from the date of filing of the appeal i.e. 31.03.2023. It would be open to the applicant, thereafter, to seek redressal of his grievances, if any, in accordance with law.

4. In view of the above, the OA stands disposed of.

5. A copy of this order be given Dasti to the respondents."

3. It is submitted on behalf of the applicant that despite the order dated 21.07.2023, the respondents have not disposed of the first appeal dated 31.03.2023 filed by the applicant. It is open to the applicant to seek redressal by institution of the fresh OA, if he so seeks and is so advised. It is not considered appropriate to revive the OA 1885/2023 of which no notice was also issued.

4. The MA 4355/2023 stands disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)