

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

39.

MA 1289/2024 IN OA 540/2020

Sub Raj Kishore Mahto Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. SS Pandey, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
24.09.2024

MA 1289/2024

This application has been filed by the applicant seeking the execution of an order dated 01.12.2021 in OA 540/2020. The said OA, which pertains to the grant of benefits under the 6th CPC, was disposed of by this Tribunal on the first day without issuing notice to the respondents.

2. In view of the law laid down in the case of **Sub M.L. Shrivastava and Ors. Vs. Union of India**, (O.A No. 1182 of 2018) decided on 03.09.2021, we had given the respondents the option to grant the benefit subject to verification. Upon verification, the respondents found that the applicant is not entitled to the said benefit due to certain reasons which have been communicated to us through a

communication dated 07.08.2024 received from the Legal Cell of the Senior Record Office.

3. Keeping the above in mind, we are of the considered view that no further adjudication in this matter is necessary. The respondents are free to issue a speaking order and communicate their decision, as outlined in the communication dated 07.08.2024, to the applicant, explaining why he is not entitled to the benefits. Once this is done, the applicant will have the liberty to challenge the decision in accordance with the law.

4. With the above, the MA is disposed of. _____

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

Ps
MA 1289/2020