

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

69.

MA 5105/2025 in OA 1957/2021

Nb Sub Naveen Kumar Applicant
Versus Respondents
Union of India & Ors.

For Applicant : Mr. Mohan Kumar, Advocate
For Respondents : Mr. Waize Ali Noor, Advocate

CORAM

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

O R D E R
07.11.2025

MA 5105/2025

Seeking modification and recall of an order passed on 24.05.2022 by this Tribunal in OA 1957/2021, this application has been filed. It is the case of the applicant that he had filed the OA 1957/2021 and the prayers made in that application vide para 8.a, 8.b, 8.c, 8.d and 8.e read as under:-

- “ (a) Allow this application and direct the respondents to consider applicant injury in Battle Causality,
- (b) To direct the respondent to order to extension of service before retirement.
- (c) To stay on pension of the applicant in the period of this proceeding pending in the Hon'ble Tribunal. Since applicant retirement date is nearly i.e. 31st May, 2021.
- (d) To direct the respondent to pay all consequential benefits from the date of injury to declaring Battle Causality of the applicant.
- (e) To direct the respondent to pay litigation cost to applicant of this O.A.”

2. It is the grievance of the applicant that even though the OA has been disposed of by a detailed order passed in the matter; vide order dated 28th July, 2025 passed in the MA 2217/2023, an application for execution, the directions were issued to him to file a detailed representation to be decided by the Competent Authority within a period of one month from its filing in accordance with law, his prayer for grant of extension of service has not been adjudicated and therefore the prayer made in this application is to issue a clarification to the effect that the applicant be considered for extension of service as per his seniority and the order of the Tribunal passed in OA on 24th May, 2022 be modified or clarified to that extent.

3. Having heard learned counsel for the parties at length and on a perusal of the records we find that even though in the OA filed, the applicant had sought grant of battle casualty and extension of service but when the OA was listed for hearing on 24.05.2022 the counsel for the applicant withdrew the prayer for grant of extension of service. In the order passed on 24.05.2022 it is indicated that on certain queries being made by the Court, the learned counsel for the applicant admitted that extension of service is not a matter of right and was only seeking battle casualty. The observation made by this Tribunal on 24.05.2022 reads as under:-

“ As per the counter affidavit filed by the respondents, this aspect is pending consideration with the competent

authority. Moreover, the mere fact that the applicant is asking for declaration of Battle Casualty is itself no ground for extension of service.

Faced with the situation, counsel for the applicant states that he will file rejoinder. Same be filed within six weeks with copy to the respondents.

Relist on 25.08.2022."

4. After taking note of the aforesaid in the order passed by us finally disposing of the OA, this was observed by us in Para 11 of the order also and therefore we did not advert to consider the question of extension of service but only decide to take note of prayer for grant of battle casualty and other benefits.

5. Accordingly, in our considered view once on 24.05.2022 the claim regarding extension of service was not pressed by the applicant and was given up. This application is misconceived and no clarification in the matter of grant of extension of service can now be granted in these proceedings.

6. The application is therefore dismissed.



[JUSTICE RAJENDRA MENON]
CHAIRPERSON



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

Priya