

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

5.

OA 1430/2025

Sgt Arjun Kumar (Retd)

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Dhiraj Kumar, Advocate

For Respondents : Wg Cdr A.K. Nautiyal, Deptt. Reptt.

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

14.05.2025

OA 1430/2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 (hereinafter referred as AFT Act, 2007), the applicant has filed this application challenging the order dated 09.04.2024 (Annexure A-1), whereby his claim for grant of disability pension has been rejected.

2. From the facts brought on record, it is evident that on 02.10.2024, the applicant had filed a 1<sup>st</sup> Appeal against the said order. However, the 1<sup>st</sup> Appeal was not decided. Thereafter, since the 1<sup>st</sup> Appeal remained undecided, the applicant did not avail the remedy available under the policy of filing a 2<sup>nd</sup> Appeal.

3. It is pertinent to note that under the relevant policy, there exists a provision for filing a 1<sup>st</sup> Appeal and, thereafter, a 2<sup>nd</sup> Appeal before the Competent Authority. The Competent Authority, acting as the 2<sup>nd</sup> Appellate Authority, is required to exercise its jurisdiction by considering the medical records and other relevant materials while deciding such appeals.

4. In view of the above, it is considered appropriate to direct the Competent Authority to treat this application filed under Section 14 of the AFT Act, 2007, as a 2<sup>nd</sup> Appeal and decide the same in accordance with the policy and law.

5. Accordingly, the following directions are issued:

(a) The respondents shall treat this application filed by the applicant under Section 14 of the AFT Act, 2007 as a 2<sup>nd</sup> Appeal.

(b) The same shall be placed before the Competent Authority who is authorised to decide the 2<sup>nd</sup> Appeal under the applicable policy.

(c) The said authority shall consider and decide the 2<sup>nd</sup> Appeal in accordance with law, rules, and relevant policy within a period of six months from today.

6. In case, the applicant continues to have any grievance after the decision of the 2<sup>nd</sup> Appeal, he shall be at liberty to

file a miscellaneous application seeking restoration of this application under Section 14 of the AFT Act, 2007, along with a prayer for quashing the order passed in the 2<sup>nd</sup> Appeal.

7. With the aforesaid observations and directions, the OA stands disposed of for the time being.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

Neha  
OA 1430/2025