

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

8.

OA 1847/2025

Sub Clk (SD) Santosh Kumar Joshi (Retd)		Applicant
Versus		
Union of India & Ors.		Respondents
For Applicant	:	Mr. Bikrama Sah, Advocate
		Ms. Mamta Pannikar, Advocate
For Respondents	:	Mr. V. Pattabhi Ram, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
02.07.2025

OA 1847/2025

Against the order passed by the First Appellate Authority on 10.03.2025 vide Annexure A-1 in Para 3 it is clearly stipulated that the applicant if has any grievance in the matter should file a 2nd Appeal and the same shall be considered in accordance with law.

2. As per the policy laid down, the applicant has remedy of 2nd Appeal before the Competent Authority and, therefore, after dismissal of the 1st Appeal approaching this Tribunal without exhausting this remedy is not tenable in law. In the matters of disability pension, various issues have to be decided and it is a practice now for all the applicants to just approach this Tribunal without exhausting the statutory

remedies available. That apart, the respondents are also not taking serious steps for deciding the statutory procedures laid down, i.e., deciding the 1st Appeal and 2nd Appeal within a reasonable period of time after examining the documents, going through the records and passing a speaking order.

3. Taking note of all these factors, we direct that on the applicant filing a 2nd Appeal within a period of one month from today, the respondents shall place the 2nd Appeal before the Competent Authority and the Competent Authority shall decide the 2nd Appeal within a period of 45 days in accordance with law by a speaking order after going through all the records.

4. With the aforesaid, the OA stands disposed of.

5. However, it is needless to emphasis that in case the applicant is still aggrieved, he can invoke the jurisdiction of this Tribunal a fresh in accordance with law.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)