

**ARMED FORCES TRIBUNAL  
REGIONAL BENCH  
JABALPUR**

**19 July, 2023**

**CORAM :**

**HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN GOPAL R, MEMBER (A)**

**1. Supplementary**

**MA 142/2023 in OA 74/2018**

**No 8377249H Ex WO Lakhvindar Singh,  
S/o Shri Randheer Singh,  
R/o H.No. 67, Benisagar Mohalla,  
Panna, District Panna (M.P)**

**.....Applicant**

**Versus**

- 1. Union of India,**  
Through the Secretary, MoD  
Government of India, New Delhi.
- 2. COAS,**  
Army Headquarters, DHQ PO,  
New Delhi.
- 3. OIC,**  
Army Postal Service Records,  
Kamptee, Nagpur (Maharashtra).
- 4. The PCDA (P)**  
Draupadi Ghat, Allahabad (UP)

**.....Respondents**

**For Applicant : Mr HC Singh & Mr Maneesh Kholia,  
Advocates**

**For Respondents : (Absent)/OIC Legal Cell**

**ORDER**

1. Based on the law laid down by the Supreme Court in the case of *Union of India and others Vs Tarsem Singh [(2008) 8 SCC 648]*, the applicant claims that the relief granted should be made applicable to him prior to three years from the date of filing of the application and not prior to three years from the date of order of this Tribunal.
2. While restricting the claim of the applicant to three years prior to the date of the order, we have applied the principle that delay on any order passed by the Tribunal should not adversely affect or cause harm to any of the parties. The time taken during the pendency of the judicial proceedings should not adversely affect the right of the parties.
3. In this case, the delay accrued on account of the pendency of the matter before the Tribunal on account of various reasons which is neither attributable to the applicant nor to the non-applicants. Under these circumstances, applying the principle of law, to the effect that pendency of the matter should not affect any party without an appropriate cause, we are restricting grant of relief to a period of three years prior to the date of passing of the relevant order and not three years prior to the date of filing of the application.
4. With regard to request to modify our order by rounding of 40% disability to 50 %, we hold that the same does not form part of the original prayer or relief asked for. Furthermore, the Ministry of Defence letter No 1(2)/2002/D(Pen/Pol)Vol-II dated 06.10.2022 regarding adjudication of disability in respect of deputationist, we find that the policy letter is silent regarding rounding off of disability percentage.
5. There is no error apparent on the face of the record, but is a conscious decision taken by this Tribunal in the peculiar facts and circumstances of the case. Hence, we see no reason for modification of order given in OA 74/2018.
6. The MA is dismissed.

(LT GEN GOPAL R)  
MEMBER (A)

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON