

**Form No. 4**  
**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No. 1 (Sl. No. 20)**

**O.A. No. 1178 of 2023 with M.A. No. 1626 of 2023**

**Cfn/Inst Chandra Prakash Ojha** Applicant  
By Legal Practitioner for the Applicant : Shri Raj Kumar Mishra, Advocate  
Shri Narayan Dutt Mishra, Advocate

**Versus**

**Union of India & Others** Respondents  
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

<b>Notes of the Registry</b>	<b>Orders of the Tribunal</b>
	<p><b><u>02.07.2024</u></b> <b><u>Hon'ble Mr. Justice Anil Kumar, Member (J)</u></b> <b><u>Hon'ble Lt Gen Anil Puri, Member (A)</u></b></p> <ol style="list-style-type: none"><li>1. On the case being taken up for hearing Shri Raj Kumar Mishra, Ld. Counsel for the applicant and Shri Ashish Kumar Singh, Ld. Counsel for the respondents are present.</li><li>2. Heard the ld. counsel for the parties and perused the records.</li><li>3. This Original application has been filed for grant of disability pension and consequential benefits. Ld. counsel for the applicant submitted that the applicant was enrolled in the Indian Army on 20.04.1971 and was invalided out from service on 25.11.1978 due to his disability 'Ischaemic Heart Disease'. The claim for disability pension was submitted to CDA (Pension) Allahabad through EME Records which was rejected vide order dated 07.02.1980 on the ground that the invaliding disability was neither attributable to nor aggravated (NANA) by service. However, applicant was granted Invalid Gratuity of Rs. 1951.55 and DCRG of Rs. 1426.75. The appeal dated 15.03.1980 was rejected vide Govt. of India, Ministry of Defence vide letter dated 19.04.1982. Copy of the letter/appeal dated 15.03.1980 has been filed by the applicant.</li><li>4. As reported by the Registry, there is delay of 42 years 04 months and 10 days in filing this original application. Delay condonation application has been filed by the applicant which has been registered as M.A No. 1626 of 2023.</li><li>5. Ld. counsel for the respondents has filed objection on delay condonation application of the applicant on the ground that delay of more than 42 years has not been explained and being non-pensionary case, documents pertaining to the applicant have already been destroyed by burning under the provisions of Para 595 of Regulations for the Army 1987.</li><li>6. Considering the submissions of the ld. counsel for the parties and the material available on record, we are of the view that M.A No. 1626/2023 (Delay</li></ol>

condonation application and objection) will be heard and decided on merit at the time of final hearing of the case.

7. At this stage, on the basis of the material available on record, matter needs adjudication.

8. Admit.

9. Ld. counsel for the respondents prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.

10. List on **16.10.2024**.

**(Lt Gen Anil Puri)**  
Member (A)

**(Justice Anil Kumar)**  
Member (J)

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