

Court No. 1

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

M.A.No. 1452 of 2018

Union of India and others

... Applicants

In Re:

O.A. No. 84 of 2010

Tuesday, the 14th day August, 2018

Hon'ble Mr. Justice SVS Rathore, Member (J)

Hon'ble Air Marshal BBP Sinha, Member (A)

Shambhu Nath Mishra 1460961 Ex SP, son of Shri Yadu Nath Mishra, C/o N.K.Pathak, House No. 1/693, Vikas Nagar, Kursi Road, Lucknow.

.... Applicant

Learned Counsel for the Applicant: **Shri S.K.Singh, Advocate**

Verses

1. Union of India through Secretary, Ministry of Defence, R.K.Puram, New Delhi-11001
2. Union of India, Ministry of Defence of Room No. 227B, Wing Sena Bhawan, New Delhi-110011
3. Union of India through Chief of Army Staff Head Quarter DHQ PO, New Delhi-110011
4. Union of India through Senior Record Officer, OIC Records of Bengal Engineer Group, Rurki-247667
5. P.C.D.A Allahabad, Draupadi Ghat, Allahabad (U.P.)

...Respondents

Learned counsel for the Respondents: **Shri Amit Jaiswal, Advocate**

ORDER (Oral)

1. Heard learned counsel for the parties and perused the record.

2. This application has been moved by the respondents for correction/modification of the order dated 23.11.2017 passed in OA No. 84 of 2010 by a co-ordinate Bench of this Tribunal, of which one of us (Air Marshal BBP Sinha, Member (A)) was a member.

3. It is submitted on behalf of the respondents that in the aforesaid OA, the disability of the applicant was assessed @ 50% for life and he was discharged from the Army w.e.f 13.03.1997. The Tribunal, in the operative portion of its aforesaid order, after giving the benefit of rounding off @ 75%, has granted the disability pension to the applicant for life but in the latter part of the said order, has also directed the respondents to conduct the Resurvey Medical Board for the applicant. The submission of learned counsel for the respondents is that the aforesaid two directions given by the Tribunal are contradictory. It is submitted that the applicant's disability was assessed by Invaliding Medical Board as 50% for two years only.

4. After perusal of the aforesaid judgment/order, we find substance in the submission made on behalf of the respondents that there is an error apparent on the face of record. Learned counsel for the applicant has also not disputed the above position.

5. Accordingly, this application (MA No.1452 of 2018) deserves to be allowed and is hereby **allowed**. In the operative portion of the aforesaid judgment/order, the word "life" shall be substituted with the words "two years".

The original order is corrected accordingly.

(Air Marshal BBP Sinha)
Member (A)

(Justice SVS Rathore)
Member (J)

August 14, 2018
LN/-