

Court No.2**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****ORIGINAL APPLICATION No. 574 of 2022**

-----,this the.....day of January, 2023

“Hon’ble Mr Justice Ravindra Nath Kakkar (J)”**“Hon’ble Maj Gen Sanjay Singh (A)”**

No. 5346518 Ex Rifleman Yam Kumar Shrestha S/O Dil Prasad Shrestha Care Sri. Man Prasad Bishwakarma Son of Late Tek Bahadur Bishwakarma 71/1, Sadar Bazar, Varanasi Cantt
Varanasi

..... **Applicant**

Ld. Counsel for the : **Shri Rohit Kumar, Advocate.**
Applicant

Versus

1. Union of India
Through, Secretary,
Ministry of Defence, New Delhi - 110011
2. Second Appellate Committee on Pensions (SACP)
Additional Director General of Personal Services
Adjutant Generals Branch/PS-4 (Imp -II)
Integrated Headquarters of MoD(Army)
Room No. 11, Plot No. 108 (West)
Brassey Avenue, Church Road
New Delhi - 110011
3. Commandant- cum-Chief Record Officer and Centre
14, GTC, Subathu Hills,
Shimla

.....**Respondents**

Ld. Counsel for the : **Ms. Appoli Srivastava, Advocate**
Respondents. Central Govt. Standing Counsel

ORDER

“Per Hon’ble Mr Justice Ravindra Nath Kakkar, Member (J)”

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

- (a) *To quash the rejection order of the Government of India, Ministry of Defence New Delhi rejection order bearing No. 7 (56)/93/D(Pen-A&AC) dated 02 Aug 1993 with all the consequential benefits to the applicant.*
- (b) *To direct the respondents to pay the disability pension to the applicant @ 50% with effect from the date of discharge and direct the respondents to hold Re Survey Medical Board and assess the percentage and to continue payment disability pension form the intervening period.*
- (c) *To direct the respondents to pay benefits of rounding off to the applicant as catered for in paragraph 7.2 of Army Headquarter policy letter No. Government of India, Ministry of Defence Policy letter No. 1 (2)/97/D/Pen)-C dated 31 Jan 2001.*
- (d) *To direct the respondents to dispose of the Statutory Final Appeal of the applicant submitted under Regulation 25 of the Casualty Entitlement Rules 1982 bearing No. D/SP/AAFN/D/19070 dated 15 Dec 2021 within a timeframe to be fixed by this Hon’ble Tribunal preferably one month.*

- (e) *To issue any other order or direction considered expedient and in the interest of justice and equity.*
- (f) *Award cost of the petition.*

11. No order as to costs.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Ravindra Nath Kakkar)
Member (J)

Dated : January, 2023
Ukt/-