FORM NO. 21
(SEE RULE 102(1))
ARMED FORCES TRIBUNAL ,KOLKATA BENCH

OA 4/2019 with MA 3/2019.

THIS THE 7TH DAY OF MARCH, 2024.

4263873H Ex Sep/GD Prafulla Kumar Jena ... Applicant.

-Vs-

Union of India and others. .... Respondents.

Advocates present:

For the applicant,

Mr Bisikesan Pradhan.

For the respondents,

Mr Ajay Chaubey, Sr. Panel Counsel.

CORAM:

HON'BLE MR. JUSTICE DHARAM CHAND CHAUDHARY, MEMBER(JUDICIAL).

HON'BLE LT GEN SHASHANK SHEKHAR MISHRA, MEMBER (ADMINISTRATIVE).

O R D E R(ORAL)

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER(JUDICIAL).

Heard.

(2) In this application filed under Section 14 of the Armed Forces Tribunal Act, 2007, following reliefs have been sought to be granted:

(a) Direction to the respondents to grant disability pension to the applicant with effect from 01.04.2017 by rounding it off to 50% from 20% with up to date interest; and

(b) To pass any other or further order as deemed fit and proper in the given facts and circumstances of the case.

(3) The facts in a nut shell are that the applicant was enrolled in the Indian Army on 04.02.1986 and discharged on 01.03.2006 on being placed under Low Medical Category(LMC) SHAPE 1. On completion of his initial term of engagement he was enrolled in Defence Security Corps(DSC) on 29.03.2007 for a period of 10 years and extendable to 5 years. In the year 2007 while on duty at 21FAD(Field Ammunition Depot) under the 289 DSC Platoon in Kundru(J&K), he jumped out of a perimeter wall 10 to 12 feet in height when fire broke out in the depot and suffered injury in his low back as a result thereof. He was diagnosed PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICD M51 and was admitted to 92 Base Hospital where he remained under treatment from 01.10.2008 to 29.10.2008 and on 24.10.2008 he was placed under LMC P3(T-24) and employability was restricted. Copy of the hospital discharge slip is Annexure A/1.

(4) The OIC(Records), respondent No.4, on 28.04.2016 had directed the Unit of the applicant to discharge him from service with effect from 31.03.2017 on completion of the term of his engagement i.e. 10 years' service. He was not granted extension of 5 years for want of eligibility criteria in view of being placed under LMC. The communication to this effect is Annexure A/2 dated 28.04.2016.

(5) Applicant as such was discharged from service on 31.03.2017 on completion of the term of his engagement. He was not granted extension in service on account of being placed in Low Medical Category. Before his discharge from service he was brought before Release Medical Board(RMB) on 21.10.2016. The Board has held the disability "PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICDM51" the applicant incurred upon as attributable to and aggravated by DSC service and assessed the same @20% for life. The proceedings of the Board dated 21.10.2016 are Annexure A/3. On his discharge he was neither granted service pension nor the disability element of disability pension with respect to the services rendered by him in DSC. He therefore made a representation dated 12.10.2017(Annexure A/5) through the Cuttack Zilla Sainik Board. However, when nothing heard from the side of the respondents nor was he granted the disability pension he submitted a representation on 18.06.2018(Annexure A/6). The same was also not decided hence this application for seeking a direction to the respondents to grant disability pension to the applicant as the disability he incurred upon while in service is stated to be aggravated by DSC service.

(6) The respondents when put to notice have contested and resisted the claim of the applicant on the grounds inter alia that the applicant is not entitled to the disability pension as the disability he incurred upon is neither attributable to nor aggravated by military service. The factual matrix however has not been disputed at all.

(7) On the completion of records we have heard learned counsel representing the parties and also gone through the records.

(8) Interestingly enough, two different sets of proceedings of the Release Medical Board came to be filed in this application by the parties on both sides. Annexure A/3 is the proceedings of the Board dated 21.10.2016, whereas Annexure R/2 dated 20.10.2016 is placed on record by the respondents along with reply. Annexure A/3(page 53 of the paper book) shows that the disability "PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICDM51" the applicant incurred upon is aggravated by military service. Such opinion of the Board, however, does not bear signatures of its President and other members and for that matter even the entire proceedings do not bear the signature of any one. This document as such cannot be treated as proceedings of the medical board so as to arrive at a conclusion that the disability "PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICDM51" the applicant incurred upon is aggravated by military service.

(9) On coming to Annexure R/2, it is dated 20.10.2016. The typed opinion of the medical board at page 53 of the counter-affidavit shows that the disabilities the applicant incurred upon are neither attributable to nor aggravated by military service. However, an orthopaedic surgeon is not a member of the medical board; rather, MO(Specialised Pathologist), and two lieutenant colonels of the Indian Navy are members and they have signed the same. As a matter of fact, in the nature of the disability incurred upon it is an orthopaedic surgeon who alone was competent to form an opinion qua its attributability and aggravation due to the service he rendered in the Army. Therefore, such opinion is also hardly of any consequence to the case of the respondents.

(10) As matter of fact, looking to the nature of the disability "PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICDM51", at least one of the members of the Board should have been orthopaedic surgeon so as to arrive at a just conclusion that the same is attributable to and aggravated by military service or not. The opinion in Annexure R/2, a typed one and not recorded in hand(page 53 of the paper book), as such is highly doubtful hence the same also cannot be believed to be true.

(11) Anyhow, even if the same is believed to be true, we fail to understand as to why the disability the applicant incurred upon is not attributable to or aggravated by military service for the simple reason that, as per the specific case made out by the applicant, he had to jump out of a wall 10-12 feet in height as the depot was engulfed in fire. Such averments made in para 4.2 of the OA have not been specifically denied; rather, being matter of record have been admitted. There is even no specific denial to breaking-out of fire also in the depot where the applicant was posted. Otherwise also it is apparent from page 53 of the paper book(the opinion of the medical board) that the injury report dated 29.10.2015 is in respect of the disability "PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICDM51" the applicant incurred upon. Meaning thereby that the injury he received has resulted in the disability he incurred upon while in service. The opinion of the medical board that the disability has a post-traumatic history hence neither attributable to nor aggravated by military service is neither reasonable nor plausible and even cannot be believed to be so, particularly when there is no mention in the injury report dated 29.10.2015 regarding this incident which substantiates the claim of the applicant that he got injured when fire

broke out in the field depot where he was posted. The disability "PIVD L4L5 with spondylolithesis L4 over L5(OPTD) ICDM51" the applicant incurred upon as such is not only attributable to but aggravated also by military service as after getting injured he was allowed to continue in service till 31.03.2017 when discharged from service on completion of the initial term of his engagement i.e. 10 years. Admittedly he has not been granted extension of 5 years on account of he being placed under Low Medical Category. Had such extension been granted to the applicant, he would have completed 15 years of service required for the grant of pension.

(12) Otherwise also, there is nothing on record that when enrolled in the DSC he was suffering from any ailment or any disability. He therefore was enrolled in a fit state of health.

(13) The law laid down by the Hon'ble Apex Court in **Dharamvir Singh vs. Union of India** reported in (2013) 7 SCC 316, in which also the disability was declared 'neither attributable to nor aggravated by military service' by the medical board, the Hon'ble Supreme Court while taking note of various applicable rules and also the case law cited at Bar has observed as under:

> *"Para 31 ... In the present case it is undisputed that no note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of*

acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service...

Para 32 ... Inspite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reason in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant at the time of acceptance for military service. Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982', the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from "Generalised seizure(Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the time of entering the service and deterioration in his health has taken place due to service...

Para 33 ... As per Rule 423(a) of General Rules for the purpose of determining a question whether the cause of a disability or death resulting from disease is or is not attributable to service, it is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions. "Classification of diseases"

have been prescribed at Chapter IV of Annexure I; under paragraph 4 post traumatic epilepsy and other mental changes resulting from head injuries have been shown as one of the diseases affected by training, marching, prolonged standing etc. Therefore, the presumption would be that the disability of the appellant bore a casual connection with the service conditions ..."

(14) Regarding entitlement of a DSC personnel to receive the disability pension comprising disability element and service element both, reliance is being placed on the judgment of Armed Forces Tribunal, Regional Bench, Chandigarh dated 10.08.2018 passed in OA No.324/2016 titled Om Prakash Guleria vs. Union of India and others. The relevant part of this judgment reads as follows:

"The first question in this case is as to ***"whether the applicant who was in receipt of Army pension at the time of his re-enrolment in the DCS, is entitled to the disability pension in the DSC service also"?***

For this purpose, the relevant Regulation 179 of the Pension Regulations for the Army, 1961 is pertinent to be mentioned which is as hereunder: -

"Disability at the time of retirement/discharge.

179. An individual retired/discharged on completion of tenure or on completion of service limits or on completion of terms of engagement or on attaining the age of 50 years(irrespective of their period of engagement), if found suffering from a disability attributable to or aggravated by military service and recorded by Service Medical Authorities, shall be deemed to have been invalided out of service and shall be granted disability pension from the date of retirement, if the accepted degree of disability is 20 percent or more, and service element if the degree of disability is less than 20 percent. The service pension/service gratuity, if already sanctioned and paid, shall be adjusted against the disability pension/service element, as the case may be.

(2) The disability element referred to in clause(1) above shall be assessed on the accepted degree of disablement at the time of retirement/discharge on the basis of the rank held on the date on which the wound/injury was sustained or in the case of disease on the date of first removal from duty on account of that disease".

Now the question arises as to whether this very provision is applicable in the case of DSC personnel. For this purpose, Regulation 266 of the above Regulation for the Army, 1961 is relevant which is quoted as under: -

General Provision

"266. The grant of pensionary awards to personnel of the Defence Security Corps shall be governed by the same general rules as are applicable to combatants of the Army, except where they are inconsistent with the provisions of the regulations in this chapter".

From the above, it is clear that Regulation 179 is fully applicable in the case of DSC service. There is no dispute that the applicant was discharged in Low Medical Category and that there is also no dispute that he was discharged from DSC service on completion of terms of engagement. He was discharged from the DSC service but due to being in Low Medical Category, he could not be granted further extension in the DSC service. So, he shall be deemed to have been invalided out of service because of being placed in Low Medical Category and the authority concerned has already granted him disability element of disability pension which further fortifies this view that he was in Low Medical Category at the time of discharge from DSC service. There is also no dispute that the applicant was at the time of his discharge suffering with disability @ 30%. So, by virtue of Regulation 179 above, he is entitled to disability pension consisting of service element as well as disability element.

Rule 280 of Pension Regulations for the Army relating to DSC service personnel states that disability pension consists of two elements viz service element and disability pension. So, according to this Rule also, he is entitled to service element of disability pension.

The mere fact that the applicant was in receipt of pension of the first spell of the Army service cannot be a ground to refuse him the disability pension for the second spell in the DSC service. Our views find support from the judgment of this Tribunal rendered in **OA No.146 of 2010 titled as Parbu Ram Vs. U.O.I and others decided on 23.04.2010.**"

(15) Be it stated that the respondent-Union of India had filed Civil Appeal(Diary No.9346/2021) against the judgment in Om Prakash Guleria's case cited supra in the Hon'ble Supreme Court, however, the same also has been dismissed vide order dated 27.08.2021 with the following observations:

"Besides the delay of 515 days in filing the appeal, which has not been satisfactorily explained, even on merits, we find no error in the judgment dated 10 August 2018 of the Armed Forces Tribunal. The Tribunal has correctly construed the provisions of the pension regulations and the ultimate conclusion, entitling the respondent to the service element of the disability pension and the benefit of rounding off, does not suffer from any error.

The Civil Appeal is, therefore, dismissed on the ground of delay as well as on merits."

(16) The judgment passed in Om Prakash Guleria's case has thus attained finality.

(17) In an identical matter, Civil Appeal No.4714-4715/2012 titled Union of India and ors. vs V.R.Nanukuttan Nair, the Hon'ble Apex Court, while interpreting Regulations 101, 105B and 107 of the Navy Pension Regulations, 1964, has held that an individual who could not complete 15 years' qualifying service on account of the disability he incurred upon and was invalidated out from service as a result thereof is

entitled to the grant of service element also. The relevant part of this judgment also reads as follows:

"We have heard learned counsel for the parties and find no merit in the present appeals.

The disability pension has two elements: disability element and the service element. The disability element is in relation to the extent of disability suffered by an individual whereas the service element is to be granted keeping in view of rules and regulations. Service pension and service element are synonymous. The expression service element is used in the case of payment of disability pension whereas, service pension is used for the pension payable on account of services rendered.

In the present case, we are concerned with the situation where the individual has completed his period of engagement in the low medical category but not the qualifying service for pension in terms of Regulation 78 of the Regulations. The question is whether the applicant is entitled to service element of disability pension corresponding to the number of years he has put in the service of Navy.

We do not find any merit in the argument that as per Clause(1) of Regulation 105B, the service element is admissible only if the following conditions are satisfied:

(i) *That discharge was on account of disability attributable to or aggravated by Naval Service.*

(ii) The individual is entitled to service pension only on completion of 15 years of service in terms of Regulation 78.

In terms of Reguation 101A of the Regulations, a individual who is placed in lower medical category and is discharged because no

alternative employment suitable to his low medical category and an individual who at the time of his release under the Release Regulations is in a lower medical category than that in which he was recruited will be treated as invalided from service in terms of Clause 2 of Appendix V of the Regulations. Therefore, in terms of such Regulations, individuals who are invalided out of service on account of disability for the reason that no alternative employment suitable to their low medical category or an individual who at the time of his release under the Release Regulations is in a lower medical category, are entitled to disability pension.

Clause 1 and 2 of Regulation 105B are applicable to sailors who are discharged from service on completion of the period of engagement and who have earned only a service gratuity in terms of Clause(3) of the said Regulation. Clause 1 pertain to the grant of service pension in addition of the disability element. Therefore, in terms of Clause 3, service element would be payable to an individual who has been paid service gratuity.

We find that the purpose of the Regulation 105B is to exclude dual payment of the service element of disability pension, when an individual is entitled to service pension as well. In the absence of such Regulation, an individual would be entitled to disability pension including the service pension. Therefore, the service element cannot be granted again as part of disability pension. It is to avoid the payment of service element twice over. The Regulation 105B has not used the expression 'on completion of qualifying service'. The interpretation as argued by the learned ASG leads to addition of words in Regulation 105B which is not permissible as the Regulations have to be interpreted harmoniously and not by adding words to the Regulations. A person who has completed the period of engagement is entitled to disability element apart from service pension. The expression' service pension' admissible is not restricted to the qualifying service provided under Regulation 78. It is not for the Courts to remedy the defect in the Statute. The reference may be made to an early judgment of this Court

reported as ***Nalinakhya Bysack*** v.***Shyam Sunder Haldar***[5], wherein it was held as under:-

> *"9. .... It must always be borne in mind, as said by Lord Halsbury in Commissioner for Special Purposes of Income Tax v. Pemsel[LR(1891) AC 531 at p 549], that it is not competent to any court to proceed upon the assumption that the legislature has made a mistake. The Court must proceed on the footing that the legislature intended what it has said. Even if there is some defect in the phraseology used by the legislature the court cannot, as pointed out in Crawford v.Spooner[6 Moo PC 1: 4MIA 179], aid the legislature's defective phrasing of an Act or add and amend or, by construction, make up deficiencies which are left in the Act. Even where there is a casus omissus, it is, as said by Lord Russell of Killowen in Hansraj Gupta v. Official Liquidator of Dehra Dub-Mussoorie Electric Tramway Co., Ltd.(1933) LR 60 IA 13; AIR(1933) PC 63], for others than the courts to remedy the defect. In our view it is not right to give to the word "decree" a meaning other than its ordinary accepted meaning and we are bound to say, in spite of our profound respect for the opinions of the learned judges who decided them, that the several cases relied on by the respondent were not correctly decided."*

In another judgment reported as Petroleum and Natural Gas Regulatory Board v. Indraprastha Gas Limited & Ors., this Court held:

> *"35.After so stating the Court has referred to the observations made by Lord Diplock in Duport Steels Ltd.[Du-port Steels Ltd.v.Sirs,(1980) 1 WLR 142: (1980) 1*

All ER 529(HL)] wherein it has been ruled thus: (All ER p.541 h-j)

" ... the role of the judiciary is confined to ascertaining from the words that Parliament has approved as expressing its intention what that intention was, and to giving effect to it. Where the meaning of the statutory words is plain and un-ambiguous it is not for the judges to invent fancied ambiguities as an excuse for failing to give effect to its plain meaning because they themselves consider that the consequences of doing so would be inexpedient, or even unjust or immortal. In controversial matters such as are involved in industrial relations there is room for differences of opinion as to what is expedient, what is just and what is morally justifiable. Under our Constitution it is Parliament's opinion on these matters that is paramount."(emphasis laid)

Recently, in Sarah Mathew v.Institute of Cardio Vascular Diseases[(2014) 2 SCC 62: (2014) 1 SCC (Cri) 721], while interpreting Section 468 CrPC, the Court has opined: (SCC p. 99, para 45)

It is argued that a legislative casus omissus cannot be supplied by judicial interpretation. It is submitted that to read Section 468 CrPC to mean that the period of limitation as period within which a complaint/charge-sheet is to be filed, would amount to adding words to Sections 467 and 468. It is further submitted that if the legislature has left a lacuna, it is not open to the court to fill it on some presumed intention of the legislature. Reliance is placed on Shiv Shakti Coop.Housing Society[Shiv Shakti Coop.Housing Society v.Swaraj Developers, (2003) 6 SCC 659], Bharat Aluminium[(2012) 9 SCC 552@2012)4 SCC(Civ) 810] and several other judgments of this Court where doctrine of casus omissus is discussed. In our opinion, there is no scope for application of doctrine of casus omissus to this case. It is not

possible to hold that the legislature has omitted to incorporate something which this Court is trying to supply. The primary purpose of construction of the statute is to ascertain the intention of the legislature and then give effect to that intention. After ascertaining the legislative intention as reflected in the Forty-second Report of the Law Commission and the Report of the JPC, this Court is only harmoniously construing the provisions of Chapter XXXVI along with other relevant provisions of the Criinal Procedure Code to give effect to the legislative intent and to ensure that its interpretation does not lead to any absurdity. It is not possible to say that the legislature has kept a lacuna which we are trying to fill up by judicial interpretative process so as to encroach upon the domain of the legislature. The authorities cited on doctrine of casus omissus are, therefore, not relevant for the present case."

We must take note of certain situations where the Court in order to reconcile the relevant provision has supplied words and the exercise has been done to advance the remedy intended by the statute. In Surjit Singh Kalra v.Union of India[(1991) 2 SCC 87], a three-judge Bench perceiving the anomaly, held: (SCC p.98, para 19)

"True it is not permissible to read words in a statute which are not there, but 'where the alternative lies between either supplying by implication words which appear to have been accidentally omitted, or adopting a construction which deprives certain existing words of all meaning, it is permissible to supply the words'(Craies Statute Law, 7th Edn., p.109). Similar are the observations in Hameedia Hardware Stores v.B.Mohan Lal Sowcar[(1988) 2 SCC 513 at pp. 524-25] where it was observed that the court construing a provision should not easily read into it words which have not been expressly enacted but having regard to the context in which a prvision appears and the object of the statute in which the said provision is enacted the court should construe it in a harmonious way to make it meaningful. An attempt must always be made so to reconcile the relevant provisions as to advance the remedy intended by the statute.(See Siraj-ul-Haq Khan v.Sunni Central Board of Waqf[AIR 1959 SC 198: 1959 SCR 1287].)"

It, thus, transpires that by judicial interpretation, words cannot be added to a atute, which would include the Rules, Regulations and Instructions issued under a

Statute, as an excuse to give effect to its plain meaning of the language of the regulations. If the legislature has left a lacuna, it is not open to the Court to fill it on some presumed intention of the legislature. But where the Courts find that the words appear to have been accidentally omitted, or if adopting a construction deprives certain existing words of all meaning, it is permissible to supply additional words but should not easily read words which have not been expressly enacted. The Court should construct the provisions harmoniously having regard to the context and the object of the statute in which a provision appears, to make it meaningful. An attempt must always be made so to reconcile the relevant provisions, so as to advance the remedy intended by the statute. Thus, it is not possible to read completion of qualifying service in Regulation 105B of the Regulations.

In view of the principles of interpretation relating to Casus Omissus, we find that a reading of the Regulations does not lead to an inference that the service element should be limited to an individual who has completed minimum 15 years of engagement. Regulation 78 cannot be read into Regulation 105B when no such qualification is provided in Regulation 105B.

Still further, the Regulation 107 providing service element in the event of an individual who has not completed the qualifying service will become otiose. A reading of all the regulations harmoniously and keeping in view the object of grant of disability pension, we find that the interpretation which advances the object and purpose of the grant of disability needs to be accepted being a beneficial provision for a class of individuals who have suffered disability in the course of duty.

The quantification of disability pension in the cases of an individual, who has not completed qualification service is dealt with in Regulation 107. Sub-clause(a) of Clause(1) of Regulation 107 deals with the situation where the

individual has rendered sufficient service to qualify for a service pension i.e. 15 years of service in terms of Regulation 78. However, sub-clause(b) comes into play where the individual has not rendered sufficient service to qualify for service pension. In cases where the disability was suffered while flying or parachute jumping, the minimum service pension is appropriate to his rank and group but in all other cases, the service pension is restricted to minimum of two-thirds of the minimum service pension. For such reason, the disability element would be in addition to the service pension by cumulative reading of Regulation 78, Regulation 105B and Regulation 107 of the Regulations. The service pension is to be assessed on the basis of the minimum service pension laid down for an able individual of the same group in Regulation 107 of the Regulations."

(18) Not only this, the Hon'ble Apex Court has considered its earlier judgment rendered in Civil Appeal No.4486/2002 titled Bhola Singh v. Union of India and ors. on 10.08.2010 and held that since the said appeal has been decided without making reference to the statutory regulations hence cannot be relied on to deny the relief to the applicant, a disabled soldier.

(19) The factual as well as legal aspect of the matter discussed hereinabove makes it crystal clear that the applicant who incurred upon the disability attributable to military service is entitled to the grant of disability pension comprising disability element and service element, both.

(20) The present as such is a case which is squarely covered in favour of the applicant by the ratio of the judgments of the Hon'ble Supreme Court in Dharamvir Singh's, Om Prakash Guleria's and Nanukuttan Nair's cases cited supra. Considering

thc law laid down by the Hon'ble Supreme Court and also the rule and the attending circumstances, the rejection of the claim made by the applicant for the grant of disability pension is neither legally nor factually sustainable. The applicant therefore is entitled to the grant of disability pension.

(21) For all the reasons hereinabove, this application succeeds and the same is accordingly allowed. The impugned medical proceedings are accordingly quashed and set aside. The applicant is held entitled to the grant of disability pension @ 20% by rounding it off to 50% as per the ratio of the judgment of the Hon'ble Supreme Court in **Civil Appeal No.418/2012** titled **Union of India Vs Ram Avtar** decided on 10.12.2014 for life from the day next to the date of his discharge from service i.e. 31.03.2017. The due and admissible arrears shall be calculated and released to the applicant within a period of three months from the date of receipt of certified copy of this order by learned senior panel counsel/OIC, Legal Cell failing which together with interest @ 8% per annum from the date of this order till the entire amount is realised.

(22) The application is accordingly disposed of so also the pending miscellaneous application(s) if any. No order so as to costs.

LT GEN SHASHANK SHEKHAR MISHRA
HON'BLE MEMBER(A)

JUSTICE DHARAM CHAND CHAUDHARY
HON'BLE MEMBER(J)

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