

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No. T.A. No. 4/2015

{Arising out of W.P.(S) No. 1529/2014}

APPLICANT (S)

Budhuwa Oraon

RESPONDENT (S)

Union of India & Another

Legal Practitioner for Applicant (s)

Legal practitioner for Respondents

Mr. Indra M. Mahato

None

ORDERS OF THE TRIBUNAL

Order Serial Number: 3

Dated : 17.08.2015

Mr. Indra M Mahato, learned counsel appears for the applicant. No counsel appears for the respondents. However, Major Narendra Singh, OIC, Legal Cell, HQ Bengal Area is present.

This is an application under Section 14 of the Armed Forces Tribunal Act, 2007 (in short the Act) for disability pension. The applicant seems to have retired on 30.09.1995. Thereafter he submitted a representation before the competent authorities for grant of disability pension for his being discharged for mouth cancer. However, the disability pension has not been granted to the applicant. Since the representation submitted by the applicant is still pending and no decision has been taken on merit and since controversy involves the disputed question of facts, it shall be proper that the concerned respondent authorities should look into the matter. We, therefore, direct the respondent authorities to consider the representation and take a decision on the relief claimed by the applicant.

Accordingly, we dispose of this application finally directing the respondent authorities to decide the representation of the applicant in accordance with the rules by passing a speaking and reasoned order expeditiously, say within four months from the date of receipt of the certified copy of this order along with the copy of the representation from the applicant. It is, however, clarified that we have not gone into the merit of the case and it shall be open for the competent authorities to take a decision in accordance with rules keeping in view the factual matrix on record. It shall also be open for the applicant also to submit

any other additional representation along with the copy of this order and copies of his earlier representation within a period of one month.

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties upon observance of all usual formalities.

(Lt Gen Gautam Moorthy)
Member (Administrative)

(Justice Devi Prasad Singh)
Member (Judicial)