

**IN THE ARMED FORCES TRIBUNAL
REGIONAL BENCH, GUWAHATI.**

OA - 11/2017

Ex-Nb Sub Zamchinlam Simte

.....**Applicant.**
By legal practitioners
for Applicant.
Mrs Rita Devi
Mr. AR Tahbildar

-Versus-

- 1. Union of India,
Represented by the Secretary,
Ministry of Defence, Sena Bhawan,
South Block, New Delhi-110011.**
- 2. Records The Assam Regiment,
PIN (ARMY) - 900332, C/o 99 APO.**
- 3. Additional Director General,
Personnel Services, PS-4(d)
Adjutant General's Branch,
IHQ of MoD(Army), DHQ,
P.O. New Delhi.**
- 4. The Principal Controller of Defence Accts (Pension),
Allahabad, Pin 211014, Uttar Pradesh.**

.....**Respondents**
By legal practitioners
for Respondents.
Mr. C.Barua,CGSC.

PRESENT

**HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)
HON`BLE VICE ADMIRAL MP MURALIDHARAN, MEMBER (A)**

ORDER

21.03.2017.

Heard Mrs. Rita Devi, learned Counsel for the applicant and Mr. Chandra Barua, learned Central Govt. Standing Counsel assisted by Col Anand, OIC, Legal Cell, Guwahati appearing for the respondents.

2. The applicant has filed this O.A. basically challenging the order dated 12.5.2006 passed by the Accounts Officer (Pension) rejecting the prayer to grant the disability element of the pension on

the ground that the disability from which the applicant has suffered at the time of discharge from service was neither attributable to nor aggravated by military service and percentage of such disablement was less than 20%.

3. The applicant has represented against the said decision, pursuant to which the Senior Record Officer for OIC Records, Assam Regiment on 17th June, 2016 informed the applicant to file the first appeal against the aforesaid decision. The applicant accordingly on 29.7.2016 claimed to have filed the first appeal, addressed to the Chairman of the First Appellate Committee, which is yet to be decided. Learned Counsel appearing for the applicant, in view of the aforesaid factual position has submitted that the O.A. may be disposed of directing the first appellate authority to decide the said first appeal in accordance with law and having regard to the various judicial pronouncements.

4. Learned Counsel appearing for the respondents submits that though the applicant in the O.A. has made a statement about filing of the first appeal on 29.7.2016, the authority has to verify as to whether any such appeal has been preferred. It has also been submitted that if such an appeal has been filed, it will receive due consideration at the hands of the first appellate authority.

5. Having regard to the aforesaid submissions advanced, we disposed of the O.A. directing the first appellate authority to decide the said first appeal, if filed, within a period of 3 (three) months from the date of receipt of a copy of the order by a speaking order having regard to the various judicial pronouncements. The order that may be passed shall be communicated to the applicant forthwith, so that, if the applicant has any further grievance, he may approach the appropriate forum.

6. O.A. is accordingly disposed of.
7. No order as to costs.
8. Order dasti.

MEMBER (A)

MEMBER (J)

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