

**IN THE ARMED FORCED TRIBUNAL, REGIONAL
BENCH, GUWAHATI**

O.A. 01/2017

PRESENT

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

**No. 4354664L Ex NK (TS) L Jaipukom
Vill-Sangang
PO-Moirang
Dist-Churachandpur, Manipur**

**..... 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, New Delhi-1
- 2. Records The Assam Regiment**
PIN (ARMY)-900332
C/o-99 APO
- 3. Additional Directorate General,**
Personnel Services, PS-4(d),
Adjutant General's Branch
IHQ of MoD (army), DHQ,PO-New Delhi
- 4. The Principal Controller of Defence**
Accounts (Pension),Allahabad'
Pin-211014
Uttar Pradesh

**..... Respondents
By legal practitioners for
Respondents.
Brig N. Deka (Retd), CGSC.**

Date of hearing : 23.03.2017

Date of order : 23.03.2017

ORDER

(Per BP Katakey, Member(J))

1. The applicant has filed this OA claiming the disability element of the pension contending inter-alia that though from 13.07.1976 to 29.12.1982, he had been granted the disability element of the pension, the same has been discontinued thereafter on the ground that the percentage of disablement was reduced to less than 20%. According to the applicant, he having been invalidated out from service, the percentage of the disablement has to be taken as 20% and as such the respondents cannot deny the applicant the benefit of the disability element of pension, apart from the benefit of rounding off.
2. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Mr. C. Baruah, learned CGSC appearing for the respondents.
3. Admittedly, the applicant is yet to prefer an appeal against the decision of the respondents refusing to grant the disability element of the pension beyond 29.12.1982.
4. That being the position and having regard to the Govt. decision dated 17.07.2016, to entertain the appeal in the past cases, if filed within a period of one year from the date of the said decision, we dispose of the OA allowing the applicant to prefer a first appeal before the first appellate authority within a period of one month from now and direct the first appellate authority to consider and dispose of the same by a speaking order within a period of 03 months from the date of filing of such first appeal.
5. The order that may be passed, shall be communicated to the applicant, so that he may approach the appropriate forum, if he has still any grievance.
6. OA is accordingly disposed of.
7. Order dasti.

MEMBER (A)

MEMBER (J)

