

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

**OA-34 Of 2017**

Capt Vyom Kumar (Retd)

..... **Applicant**  
Legal practitioners for the  
Applicant

**Mr. RK Talukdar**  
**Mr. HJ Tamuli**

**- Versus -**

Union of India & Ors

.....**Respondents**  
Legal practitioner for the  
Respondents

**Mr. N. Baruah, CGSC**

**P R E S E N T**

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

**O R D E R**

**09.06.2017**

1. Heard Mr. RK Talukdar, learned counsel appearing for the applicant.
2. The applicant, who has resigned from service on 23.01.2017, has filed this application challenging the communication dated 24.05.2017 issued by Deputy Director, AG/PS-4 (Imp-I) whereby and whereunder the claim of the applicant for grant of disability pension has been rejected on the ground that he having resigned from service is not entitled to the same.

3. The case of the applicant, in the OA is that in view of the provision contained in Regulation 83 of the Pension Regulations for the Army, Part-I, 2008, even an officer who has voluntarily given up the service is also entitled to the disability pension which has wrongly been denied to the applicant.

4. Having regard to the aforesaid contention, we issue notice on the respondents. Since the respondents are represented by their learned counsel, no fresh notice needs to be issued.

5. The respondents shall file counter within a period of six weeks from now. The respondents shall also on the date when the case is listed, produce the relevant records for perusal of this Tribunal.

6. The applicant may file rejoinder, if any, within two weeks thereafter.

7. Registry is to post this case before the available Bench after expiry of 08 weeks for orders, when attempt may be made to take up the OA for final disposal at the order stage itself having regard to the claim of the applicant.

8. Order dasti.

**MEMBER (A)**

**MEMBER (J)**

*Kalita*

