

**ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, GUWAHATI**

5. MA-11-2023  
(In OA -29/21)

**Ex-Hony Fg Offr Nityananda Saikia**

..... **Applicant**  
By legal practitioners for  
Applicant.  
A.R.Tahbildar

**-Versus-**

**UOI & Others.**

..... **Respondents**  
By legal practitioner for  
Respondents.  
P J Barman

**CORAM:**

**HON'BLE MR. JUSTICE SUDHIR MITTAL, MEMBER (J)  
HON'BLE AIR MSHL BALAKRISHNAN SURESH, MEMBER (A)**

**ORDER**

**09.10.2023**

1. This application has been filed for correction of the Order dated 05.04.23 passed in OA -29/2021.
2. It has been submitted that by inadvertence, '39' years has been mentioned in paragraph 7 of the Order and the date of starting of the disability has been mentioned as 25.09. 2013. In paragraph 12, relief has been confined to 3 years preceding the date of filing of the OA whereas there was no necessity for the same. If the relief granted is kept intact, the applicant would be entitled to grant of disability element while he was in service. Thus, this part of the relief may be deleted and instead, the relief may be granted with effect from the date following the date of discharge, i.e., 01.2.2019.

3. Issue notice.

4. Mr. P.J.Barman, learned counsel appearing for the Respondents accepting notice and very fairly submits that he has no objection if the application is allowed.

5. Accordingly, the application is allowed.

6. Paragraph 7 of the order dated 5.4.2023 is ordered to be corrected and the figure '39' years mentioned therein is directed to be replaced with figure '34" years and the date '25.09.19' to be replaced with '25.09.2013'. Similarly, in paragraph 12, the word 'w.e.f three years' preceding the date of filing of the Original Application' shall be replaced with 'w.e.f the date next following the date of discharge, i.e.,01.2.2019'.

**(Air Mshl Balakrishnan Suresh)**  
**MEMBER (A)**

**(Justice Sudhir Mittal)**  
**MEMBER (J)**

MC/GM