

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

O.A. 76/2016

PRESENT

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

No. 13670278W Ex-NK (TS) Zamtung Nung
S/o Nung Chin
Vill-Zehang Lamka
PO-Churachandpur
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 Brigade of Guards
PIN-900746
C/o-56 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 : 22.03.2017

Date of order : 22.03.2017

ORDER

(Per BP Katakey, Member(J))

1. The applicant has filed this application challenging the order dated 27.06.2016 passed by the respondent authority whereby and whereunder the respondent authority has refused to grant the benefit of rounding off the disability element of the pension on the ground that the applicant has not been invalidated out from the service. The applicant has also prayed for direction to the respondent authority to grant disability element of the pension.

2. It appears from the pleadings in the OA that the applicant has not been granted the disability element of the pension and hence there is no question of granting rounding off benefit. The order passed by the respondent authority on 27.06.2016 is also not correct as the applicant has not been granted the disability element of the pension.

3. It also appears from the pleadings that the applicant is yet to file any appeal before the first appellate authority for granting disability element of the pension. Hence we dispose of the OA directing the respondents to treat the present OA as the first appeal and to decide the same by the first appellate authority within a period of 03 months from the date of receipt of a copy of this order. The same shall be done by speaking order having regards to various judicial pronouncements. The order that may be passed shall be communicated to the applicant so that if he has any further grievance, he may approach the appropriate forum.

4. OA accordingly stands disposed of.

5. Order dasti.

MEMBER (A)

MEMBER (J)

