

2024.PHHC.111122.D0



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-18962-2024 (O&M)

Date of Decision: 20.08.2024

UNION OF INDIA AND OTHERS

...Petitioners

Versus

IC-27286K COL. ARUN KUMAR OPAL & ANR

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. N.K. Vashist, Advocate
for the petitioners (Senior Panel Counsel-UOI).

SUDHIR SINGH, J.

Challenge in the present writ petition is to the order dated 08.02.2019 (Annexure P-1), passed by the learned Armed Forces Tribunal, Chandigarh Bench, Chandimandir (For short 'the AFT'), whereby the Original Application filed by the respondent No.1, has been allowed.

2. A perusal of the impugned order would show that the learned AFT has disposed of the Original Application filed by respondent No.1 with the following direction:-

“ In the circumstances, we dispose of this Original Application with a direction to the respondent to process applicant's claim for disability pension in terms of the aforesaid judgment and on verification of the fact, if he is found entitled to the same, release it together with arrears to the applicant as expeditiously as possible but not later than four months from the date of receipt of copy of this order by learned Government Counsel OIC Legal Cell. While doing so respondents shall also keep in mind

judgment of Hon’ble Supreme Court rendered in **Civil Appeal No.418 of 2012 Union of India and Ors Vs. Ram Avtar decided on 10.12.2014.**

3. From the aforesaid extract, it would be clear that the petitioners have been given directions to process the claim of respondent No.1 for disability pension in terms of judgment mention in the order as also the judgment of the Hon’ble Supreme Court in Ram Avtar’s case (supra).
4. Upon a specific query having been put, the learned counsel for the petitioners is unable to point out as to how the writ petition is maintainable against the order, whereby a direction has been given to the petitioners to process the case of the respondent No.1 for grant of disability pension.
5. As vide the impugned order, only a direction has been given to the petitioners to process the case of the respondent No.1 for disability pension and if found entitled, release the same to him we do not find that any adverse order has been passed against the petitioners.
6. In view of the above, the writ petition is dismissed.
7. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[KARAMJIT SINGH]
JUDGE

20.08.2024
Himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No