

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

218.

**RA20 OF 2018 WITH MA 323/2018
IN OA 76/2017
(RB CHENNAI)**

Union of India and Ors.	Applicant
VERSUS		
Ex Hav Chinnaiah Maruti	Respondents

For Applicant	:	Maj Priti Tyagi, OIC, Legal Cell
For Respondents	:	Mr. M. Selvaraj, Advocate

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**ORDER
12.03.2019**

MA 323/2018

Since through the medium of the instant Review Application the applicant – Union of India (original respondent) is virtually seeking modification of the order dated 14th November, 2017 in so far as para 8 is concerned, therefore technically the delay in filing the instant Review Application should not stand in the way of the applicant. It stands condoned.

MA is disposed of accordingly.

RA 20/2018

The instant Review Application has been indicated in the supplementary list of today.

Since we wanted to have clarity with regard to a particular aspect, both the sides were put to notice and when the instant matter was taken up for our consideration, Maj Priti Tyagi, OIC, Legal Cell,

has placed on record the sanction order dated 24th October, 2018, whereby the order dated 14th November, 2017 has been implemented. The sanction order reads thus:

“1. I am directed to refer to the above cited Hon'ble AFT order and to convey the sanction of the competent authority, for grant of Disability Pension @ 75% (rounding off 60%) from 24 Apr 2014 to 24 Apr 2017 and thereafter Disability Element @ 75% for life, to No.10329270N Ex Hav Chinnaiiah Maruti. Interest on arrears of Disability Pension and Disability Element shall carry @8% per annum till the date of payment. Necessary PPO to be issued immediately.

2.	xx	xx	xx
3.	xx	xx	xx"

Tribunal has been assured by Maj Priti Tyagi that PPO will be issued in a short span of time, may be within four/six weeks. This satisfies the learned counsel for the respondent (original applicant).

Learned counsel for the respondent (original applicant) states that in the sanction order there is no reference to the service element and the apprehension in the mind of the applicant is that he might not get service element. In our view the apprehension is absolutely misconceived for the reason that the applicant who has been invalidated out is in any case entitled to service element.

The instant Review Application stands disposed of accordingly.

(VIRENDER SINGH)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

/vks/