

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

O.A.No.40 of 2013

Wednesday, the 28th day of August, 2013

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH
(MEMBER - JUDICIAL)

AND

THE HONOURABLE LT GEN ANAND MOHAN VERMA
(MEMBER – ADMINISTRATIVE)

No.14542884 C.F.N. Ambrose Leonard,
S/o. Joseph Herbert Nathan,
D.No.44 Jayaraj Colony,
Sivan Keela Veedhi,
Vailankanni Post,
Tamil Nadu – Pin 611 111.

... Applicant

By Legal Practitioner:
Mr. S. Pasupathi

Vs.

1. Ministry of Defence (Army),
Union of India rep. by
The Secretary to the Government,
New Delhi-110011.
2. PCDA,
Allahabad,
U.P.
3. EME Records,
Secunderabad-500 021.

... Respondents

By Mr. B. Shanthakumar, SPC

ORDER

(Order of the Tribunal made by
Hon'ble Justice V. Periya Karuppiah,
Member(Judicial)

1. Heard Mr. S. Pasupathi, Learned Counsel appearing for the applicant and Mr. B. Shanthakumar, Learned Senior Panel Counsel, appearing for the respondents.
2. After arguing to some extent, the Learned Counsel for the applicant would submit that he may be permitted to withdraw the application with liberty to file a fresh application, if necessary, after applying before the competent authority under Regulation-113(b) of Pension Regulations for the Army, 1961, for the grant of Invalid Pension and thus wanted to permit him to make an endorsement to that effect on the application. We have permitted the Learned Counsel to make an endorsement accordingly.
3. The endorsement made by the Learned Counsel for the applicant runs as follows :-

*"This O.A.No.40/2013 is withdrawn with liberty to file fresh
O.A. after availing the remedy of applying before the Appropriate*

authority for appropriate relief of invalid pension under the provisions of 113 (b) of the Army Pension Regulation read with Regulation 198 and 200. Permission may be granted accordingly."

4. Considering the submission of the Learned Counsel for the applicant and the contents of the endorsement made by him, we are inclined to permit the applicant to withdraw this Original Application with liberty to file fresh O.A., if necessary, and if so advised, after applying before the competent authority under Regulation-113(b) of Pension Regulations for the Army, 1961, for the grant of Invalid Pension. Time for applying before the competent authority is one month from the date of receipt of the copy of this order.

5. With the aforesaid observation and directions, the Original Application is dismissed as withdrawn with liberty as given above. There shall be no order as to costs.

Sd/-
LT GEN ANAND MOHAN VERMA
(MEMBER-ADMINISTRATIVE)

Sd/-
JUSTICE V. PERIYA KARUPPIAH
(MEMBER-JUDICIAL)

28.8.2013
(True Copy)

Member (J) – Index : Yes / No
Member (A) – Index : Yes / No

Internet : Yes / No
Internet : Yes / No

To

1. The Secretary to Government,
Ministry of Defence (Army),
New Delhi-110011.
2. PCDA,
Allahabad,
Uttar Pradesh.
3. EME Records,
Secunderabad-500 021.
4. Mr. S. Pasupathi,
Counsel for applicant.
5. Mr. B. Shanthakumar, SPC
Counsel for respondents.
6. OIC, Legal Cell (Army),
ATNK & K Area HQ,
Chennai-600009.
7. Library, AFT, Chennai.

**HON'BLE MR.JUSTICE V. PERIYA KARUPPIAH
MEMBER (JUDICIAL)
AND
HON'BLE LT GEN ANAND MOHAN VERMA
MEMBER (ADMINISTRATIVE)**

O.A.No.40 of 2013

28.08.2013