

## **Abridged Index**

## I.L.R. - Latest Judgements reported - 08/01/2025

Armed Forces Tribunal Act, 2007 (Central Act 55 of 2007)—Practice and Procedure—Review of decision based on opinion of medical board by the Armed Forces Tribunal—The Tribunal should not reject the opinion of the Medical Board without good reason—It can do so only if it is satisfied that the procedure followed by the Board did not align with the rules or guidelines, or if the Board failed to consider important facts or materials, or issued an unreasoned order—If the Tribunal finds the Board's opinion is unacceptable for any reason, it is better, except in cases of long delay, to refer the applicant for examination by a Review Medical Board, before deciding on the disability pension claim. - Union of India v. Bhaskaran N. - ILR 2025 Kerala OnLine 11: Neutral Citation No. 2024:KER:89553

Contempt of Courts Act, 1971 (Central Act 70 of 1971)—Section 19 (1)—Maintainability of appeal against order of court to frame charges of contempt - The impugned order must be extricably connected with the order punishing for contempt and cannot be independent of it—The impugned order must flow from the order punishing for contempt—An appeal filed challenging the order when the Court, after forming a prima facie opinion, proceeds to frame a charge under Rule 14(b) is not maintainable— Contempt of Courts (High Court of Kerala) Rules, 1971—Rule 14 (b) - Suni B.T. v. Vinayaka Granites - ILR 2025 Kerala OnLine 8 (FB)

Entitlement Rules for Casualty Pensionary Awards to the Armed Forces Personnel, 2008—Rule 7—In cases where the claim is made within 15 years of discharge, retirement, invalidment, or release, the Department will bear the primary burden of proof—However, if the claim is made after 15 years, the burden of proof will fall

entirely on the claimant. - Union of India v. Bhaskaran N. - ILR 2025 Kerala OnLine 11 : Neutral Citation No. 2024:KER:89553

Income Tax Act, 1961 (Central Act 43 of 1961)—Section 281(1)—A transfer becomes void only when the transfer or charge is created during the pendency of proceedings under the Income Tax Act or after the service of a notice under the Second Schedule of the Act.—No preference is given to the tax payable under the Income Tax Act—2nd Schedule, Rules 2 and 16(1). - Job G. Oommen v. Union of India - ILR 2025 Kerala OnLine 12: Neutral Citation No. 2024:KER:94017

Payment of Gratuity Act, 1972 (Central Act 39 of 1972)—Gratuity cannot be paid in instalments, as its primary purpose is to serve as a retirement or terminal benefit, ensuring immediate financial support to the employee or their dependents. - Sadhoo Beedi Enterprises v. Controlling Authority - ILR 2025 Kerala OnLine 10: Neutral Citation No.2024:KER:91694

Service Rules, 1956 (Kerala)—Part-I, Rule 56B—Regularisation of period of Suspension—There should be application of mind by the Disciplinary authority as to whether the suspension should be continued—If there are no reasons to keep the delinquent under suspension till conclusion of the disciplinary proceedings, despite which she is kept under suspension, then the officer would be entitled to full pay and allowances, for the period of suspension. - State of Kerala v. Haridasan N.K. - ILR 2025 Kerala OnLine 9: Neutral Citation No. 2024:KER:92903

\*\*\*\*