

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

21.

MA 151/2024 in OA 1007/2019

Air Cmde KR Bali (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Virender Singh Kadian, Advocate
For Respondents : Mr. Y P Singh, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
20.03.2024

MA 151/2024 has been filed on behalf of the applicants i.e. Union of India and Ors who were arrayed as respondents to the OA 1007/2019 seeking modification of the order dated 06.07.2023 in OA 1007/2019 vide Para 16 wherein it has been directed to the effect:-

“16. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% for the disability of 'ASYMPTOMATIC IHD (TMT+VE)' rounded off to 50% for life with effect from the date of his discharge in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012) decided on 10.12.2014.”

and the respondents seek that the grant of the arrears of the disability element of pension as granted thereby be confined to commence to run from a period of three months prior to the institution of the OA.

2. In view of the verdict of the Hon'ble Supreme Court in *UOI vs Tarsem Singh* (2008) 8 SCC 648, and the factum of the institution of the OA 1007/2019 on 26.06.2019 and the date of discharge of the applicant being 30.11.1997 as per the counter affidavit placed on the record of the OA, it is considered essential to confine the commencement of the arrears of the grant of the disability element of pension as directed vide order dated 06.07.2023 to commence to run from a period of three years prior to the institution of the OA. The MA 151/2024 is thus allowed accordingly.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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