

**COURT No.2, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

47.

**OA 475/2019 with MA 1043/2019**

**Ex Cpl Shiv Kumar**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant :** Mr.V.S. Kadian, Advocate

**For Respondents:** Mr. Harish Vaidyanathan Shankar with  
Ms.RatiVarma, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)**

**HON'BLE LT GEN PHILIP CAMPOSE, MEMBER (A)**

**O R D E R**  
**20.11.2019**

By virtue of this OA, the applicant claimed two reliefs, (1) Grant of disability element of pension and (2) Pro-rata pension.

As regards disability element of pension, counsel for the respondents has handed over a letter dated 04.06.2019 whereby the case of grant of disability element of pension @ 20% has been accepted. The same requires rounding-off in view of the judgment of the Hon'ble Supreme Court in **Union of India and Ors. Vs. Ram Avtar [Civil Appeal 418 of 2012]** decided on 10<sup>th</sup> December, 2014. PPO be issued to the applicant within six weeks.

So far as Pro-rata pension is concerned, counsel for the respondents seeks time to file counter affidavit. Same be filed within four weeks with copy to the counsel for the applicant.

Re-list on **18<sup>th</sup> May, 2020.**

**[JUSTICE SUNITA GUPTA]  
MEMBER (J)**

**[LT GEN PHILIP CAMPOSE]  
MEMBER (A)**

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