

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

16.

OA 1071/2019 with MA 1740/2019

Ex Nk Narender Singh Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Virender Singh Kadian, Advocate

For Respondents : Mr. Arvind Patel, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R

04.09.2023

The applicant vide the present OA makes the following prayers :-

“(a) quash and set aside impugned letter No 4186535/DP/NE&PG dated 29.04.2019. und IHC of MoD (Army) Letter of 6.2.2018.

(b) direct respondents to treat the injury of the applicant as Battle Casualty and grant him War Injury Pension with all consequential benefits as applicable. and/or

(c) direct respondents to pay the due arrears of War Injury pension with interest @12% p.a. with effect from the date of invalidment from service with all the consequential benefits. And/or

(d) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case. ”

Though the applicant's prayer even through the reply dated 19.11.2019 filed by the respondents was sought to be dismissed, in as much as the prayer made by the applicant was for the grant of war injury pension which the respondents have stated has already been given to the applicant pursuant to the letter dated 28.01.2020 which indicated to have been sent by the OIC Records to the Legal Cell AFT(PB) Head Quarters New Delhi with

copies thereof to the Directorate General of Inf/Inf (Legal) Records The Kumaon Regiment and to PCDA(P) Allahabad indicating to the effect that the prayer of the applicant has been met by issuing the PPO no. 169201200163 suffix No. 0405, with the copy of the PPO also having been produced indicating that the war injury element has been sanctioned @ 60%, it is apparent that there is nothing more than that survives in this present OA, the copies of the said documents produced by the respondents be filed during the course of the day on the record with the copy thereof being supplied to the applicant through counsel.

A prayer is made on behalf of the applicant that the war injury pension that has been given to the applicant @60% is required to be broad banded to 75% for life in view of the verdict of the Hon'ble Supreme Court in *Union of India vs. Ram Avtar* in Civil Appeal No. 418 of 2012 decided on 10.12.2014 which prayer is granted accordingly and the war injury pension sanctioned to the applicant @60% is directed to be broad banded to 75% for life with effect from the date of discharge.

The OA 1071/2019 stands disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

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