

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

77.

OA 2186/2022

MWO (HFO) Sheo Narayan Prasad (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Rakesh Kumar Yadav, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyani, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
29.04.2024

OA 2186/2022

Invoking the jurisdiction of this Tribunal under Section 14, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

“(i) to set aside the impugned letter No. Air HQ/99798/1/673440/01/20/DAV/(DP/RMB) Dated 23 Sep 2019.

“(ii) to consider the facts and circumstances of the case in the light of above-discussed Rules and Regulations as well as settled principles of law enshrined by the Hon'ble Supreme Court in Dharamvir Singh Vs. Union of India & Ors. (supra) and reiterated in Union of India & Anr. Vs. Rajbir Singh (supra), Union of India Vs Angad Singh Titaria and Union of India Vs Ram Avtar and award 50% (Broad Banding from 30% to 50%) disability pension from the date of his discharge i.e., 31.01.2020, along with 10% p.a. interest on the arrears, considering stress and strain and causal connection, he suffered on set since November 2010 of PRIMARY HYPERTENSION and RMB assessed 30% disability for life and was placed in LMC A4G2 (P).

“(iii) to pass such other order/orders as this Hon'ble Tribunal may deem fit just & equitable in the facts and circumstances of the case.”

2. The applicant was enrolled into the Indian Air Force on 27.07.1981 and discharged from service on 31.01.2020. The applicant was examined by a duly constituted RMB on 22.02.2019, which held his disability of Primary Hypertension @ 30% for life and it was held that the disability was neither attributable to nor aggravated by service. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the medical records. The composite disability for the ailment has been assessed at 30%.

3. Keeping in view the consistent stand taken by this Tribunal based on the law laid down by the Hon'ble Supreme Court in the case of *Dharamvir Singh Vs. Union of India and others* [(2013) 7 SCC 316] that Primary Hypertension may arise even in a peace area due to stress and strain of service, we see no reason not to allow the prayer of the applicant with regard to the disability Primary Hypertension, which has been assessed by the competent Medical Board @ 30%.

4. The respondents are directed to grant disability element of pension for the disability of Primary Hypertension to the applicant @ 30% for life which be rounded off to 50% for life from the date of retirement, i.e., 31.01.2020, 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.

5. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% for the disability of Primary Hypertension rounded off to 50% for life and direct the respondents to calculate, sanction and issue necessary PPO to the applicant within four months from the date of receipt of copy of this order, failing which the applicant shall be entitled to interest @ 6% per annum till the date of payment.

6. No order as to costs.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

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