

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

110.

OA 2203/2019

Wg Cdr Srinivasan Ramanathan (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Baljeet Singh, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
05.04.2024

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:

(a) To set aside the impugned letter No. Air HQ/99797/4234/Dis/O/DAV-B dated 22.10.2019 passed by the respondents.

(b) To direct the respondents to grant disability element of pension @30% with effect from the date of retirement for life by treating the disability of the applicant as attributable to or aggravated by the Air Force service.

(c) To direct the respondents to grant the benefits of rounding off of disability element of pension of the applicant @50% (30% to be rounded off to 50%) with effect from date of retirement with all consequential benefits.

(d) To direct the respondents to pay the due arrears of disability pension with interest @12% p.a. with effect from the date of retirement till actual payment.

2. The applicant was enrolled in the Indian Air Force on 29.08.1986 and later commissioned as officer

on 17.06.1995 in a fit medical category and discharged on 30.04.2019. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the medical records.

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 v. 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 Release Medical Board @ 30% and it does fulfill the twin criteria as per Rule 153 of the Pension Regulations for Indian Air Force, 1961 (Part-I).

4. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant for Primary Hypertension @ 30% for life which be rounded off to 50% for life from the date of retirement i.e., 30.04.2019 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, the respondents are directed 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.

7. Pending miscellaneous application, if any, stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)