

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

105.

OA 1776/2019

Ex POA(AH) Amit Kumar Yadav ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Ved Prakash, Advocate  
For Respondents : Mr. Vijender Singh, Advocate

CORAM

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

O R D E R  
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) *Quash the impugned Order No. PEN/600/D/:RDOI:01/2019/138386R dated 07.03.2019.*
- (b) *Direct the respondents to grant disability element of Pension duly rounded off to 50% to the applicant w.e.f. his date of discharge.*
- (c) *Direct respondents to pay the due arrears of disability element of pension with interest @12% p.a. from the date of retirement with all the consequential benefits.*

2. The applicant was enrolled in the Indian Navy on 28.01.2004 and discharged from service on 31.01.2019. The applicant submits that for the purpose of Dyslipidaemia and Primary Hypertension, the disability has been assessed @1-5% and @30% respectively, as is evident from the

medical records. The composite assessment for the ailments has been assessed at 30%. However, during the course of hearing, the applicant submitted that he is not pressing for grant of disability pension for the disability of Dyslipidaemia.

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%.

4. Accordingly, we partially 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., **31.01.2019** 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)**

Ps  
OA 1776/2019