

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

70.

OA 1733/2023 WITH MA 2542/2023

Hony Lt Ram Ratan Singh Upreti (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC

CORAM

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

O R D E R
15.05.2024

MA 2542/2023

Keeping in view the averments made in the application and in the light of the decision in Union of India and others Vs. Tarsem Singh [(2008) 8 SCC 648], the delay in filing the OA is condoned.

2. MA stands disposed of.

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3. 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 direct the respondents to bring all service and medical documents of the applicant on records including the RMB.*
- (b) *To set aside the impugned Rejection letters dated 12.08.2021 and 15.12.2020.*

- (c) *To grant disability pension to the applicant from the date of retirement w.e.f 01.04.2021.*
- (d) *To direct the respondents to grant broad banding of the disability pension w.e.f 01.04.2021.*
- (e) *To direct the respondents to issue a corrigendum PPO pertaining to the disability pension and broad banding of the disability pension of the applicant.*
- (f) *To direct the respondents to pay arrears of disability pension and broad banded disability pension along with interest @12% from the date of release, i.e., 01.04.2021.*

4. The applicant was enrolled in the Indian Army on 05.08.1987 and discharged from Army Service on 20.08.2020. 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%.

5. 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 competent Medical Board @ 30%.

6. 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., 20.08.2020 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.

7. 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.

8. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Ps
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