

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

144.

OA 2430/2021 with MA 1875/2024 & 4780/2023

Col D S Narban (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Indra Sen Singh, Advocate with
Applicant-in-person
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
19.02.2025

OA 2430/2021

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 applicant claims the following reliefs in Para 8:-

- “(a) Direct the respondents to grant the applicant to War Injury Pension @ 50% (20% rounded off to 50%) wef 01.06.2006 for life, and Disability Pension @ 50% (30% rounded off to 50%) wef. 01.06.2006 to for life, (the first dat of retirement being 01 Jun 2006), thereby granting the benefit of rounding off/broadbanding policy of the Govt.;
- (b) Direct the Respondents to issue a Corr. PFO thereby clearly mentioning applicant’s disability on account of “(i) Compression Fracture DV-12 (Battle Casualty)” @50% for Life (20% rounded off to @ 50%) as War Injury Pension and

disability on account of “(ii) Cervical Spondylosis” & “(iii) Lumbar Spondylosis” @ 50% for Life (composite 30% rounded off to @ 50%) w.e.f. 01.06.2006.

- (c) Direct the Respondents to amend the nomenclature of ID (i) wherever it is inadequately mentioned as ‘COMPRESSION FRACTURE’ to COMPRESSION FRACTURE DV-12’ as mentioned in Battle Casualty, Part-II Order dated 22.03.2003, and all medical boards;
- (d) Direct the respondents to pay arrears of War Injury Pension and Disability Pension, after calculating the same at the rate of 50% for War Injury Pension and 50% for Disability Pension with effect from 01.06.2006 with interest at the rate 10% per annum until the date of actual payment;
- (e) Direct the Respondents to update all their records and systems as per Applicant’s updated correct address and bankers as per Corr. PPO M/DIS/3097/2012 of 05 Oct 2012 and issue a Corr. PPO with Applicant’s current CPPC, Bankers, and address;
- (f) Issue any other order(s) and direction (s) as deemed appropriate by this Hon’ble Tribunal under the facts and circumstances of this case.”

2. When the matter was being heard on 22.01.2025 based the material available on record and after going through this, this Court made the following observations in para 3:-

“3. Having studied the matter, we find that the Government of India, Ministry of Defence, Department of Ex-Servicement Welfare has issued a office memorandum bearing No.16(02)/2015-D(Pen/PoI) dated 08.08.2016 indicating the method of calculation of disability where two types of IDs are involved. Based on this policy decision of the Government of India, Office of the Principal CDA (Pension) Draupadi Ghat, Allahabad-211014 on 16.01.2017 has issued a circular indicating the method of calculation for such disability. In our considered view, the case of the applicant falls under case No-2 (Discharge Case) as indicated at page No.2 of the said circular The case No-2 is reproduced below:-

“Case-2 (Discharge Case)

The individual was discharges from service on completion of terms of engagement with the following IDs

1)	Fracture Tibia Fibula (Rt) (Battle Casualty)	@60%	
2)	Common Peroneal Nerve Injury(Lt) (Battle Casualty)		Composite 70%
3)	PCL Tear (Rt) Knee (Battle Casualty)		
4)	SNHL (Lt) (Battle Casualty)	@20%	
5)	Primary Hypertension(Physical Casualty)	@30%	
6)	Asthmatic Bronchial (Physical Casualty)	@30%	
7)	Mixed Anxiety Depressive Disorder (Physical Casualty)	@30%	

The Composite assessment in instant case works out to 100% Separate composite assessment for different IDs of battle casualties works out to 70%. Thus, WIE may be admitted to @70% and remaining 30% may be admitted as DE.”

and after observing so, respondents were directed to place the matter before the competent authority to seek instructions in the matter and to calculate the benefit accruing to the applicant and also to calculate the benefit as indicated in the circular dated 16.01.2017.

3. Today, on instructions and based on the calculation submitted, respondents have produced a communication dated 18.02.2025 received from the office of PCDA(P), Draupadi Ghat, Prayagraj so also a communication dated 15.02.2025 wherein, after calculating the composite disability of the applicant @ 50% rounded off to 75%, PPO has been issued vide PPO No. 101200600738 which indicates grant of benefits to the applicant including calculation of arrears and re-fixation of pension of the applicant. Copies of the aforesaid communications were handed over to learned counsel for the applicant, who, on instructions, submits that the applicant is now satisfied and does not want to prosecute the OA any further. It is a

common ground that the amount accruing to the applicant by virtue of the PPO has been credited to his account and, therefore, nothing further survives in the matter for adjudication.

4. Accordingly, OA stands disposed of.

5. In view of the order passed in the OA, no orders on MA 1875/2024 and MA 4780/2023 are required and the same, accordingly stand disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

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