

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

96.

OA 2430/2021 WITH MA 1875/2024 AND MA 4780/2023

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

For Applicant : Mr. Indra Sen Singh, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

O R D E R
22.01.2025

The matter is listed for final hearing under the category of 'By Court's Order'.

2. The respondents have not filed the counter affidavit, however, we are informed by learned counsel for the respondents that the counter affidavit has been filed but it has not been brought on record on account of certain office objections. We direct that the counter affidavit be brought on record. Office objections, if any, be rectified within one week.

3. Having studied the matter, we find that the Government of India, Ministry of Defence, Department of Ex-Servicemen 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 discharged from service on completion of terms of engagement with the following IDs

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

4. We direct the respondents to place the matter before the Competent Authority in the office of the Principal CDA

(Pension) and the said authority is directed to calculate the benefit that would accrued with the applicant in case the calculations are made as per case-2 (Discharge case) as indicated in circular dated 16.01.2017 issued by their office.

5. Let the aforesaid process be undertaken within two weeks and a report should be submitted along with calculation to this Tribunal.

6. List again on **19.02.2025**.

7. Let a copy of this order be given ***DASTI*** to both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[RASIKA CHAUBE]
MEMBER (A)**

/Ps/
OA 2430/2021