

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT  
NEW DELHI**

TA No.234/2009  
[W.P.(C) 18/09 of Delhi High Court]

Ex. Recruit Karam Chand .....Petitioner  
Versus  
Union of India & Others .....Respondents

For petitioner: Sh.S.M. Hooda, Advocate

For respondents: Ms. Shikha Tandon, Advocate with Capt Alifa  
Akbar

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON  
HON'BLE LT. GEN. M.L. NAIDU, MEMBER**

**ORDER  
23.11.2009**

1. Heard learned counsel for parties.
2. Petitioner was enrolled in Army on 13.01.1964 and he was medically boarded out of service on 14.03.1965 and he was granted disability pension with effect from 15.03.1965 to 12.02.1967 vide PPO no.D/1997/65 dated 13.07.1965. Petitioner served legal notice and respondent no.2 replied vide letter dated 09.08.2007 stating therein that petitioner was granted and paid disability pension from 15.03.1965 to 12.02.1967 since disability came down to less

stopped. He represented that disability may have been stopped but his service element of pension cannot be discontinued as it has already been held by Hon'ble Apex Court and Hon'ble High Court also that *in case of ceasing of disability pension, the incumbent is not deprived of service element of pension*. In this connection, learned counsel for petitioner invited our attention to the order passed by the Hon'ble Apex Court in case of **Amir Singh vs. Union of India and Others dated 19.10.2006 in Civil Appeal No.4584 of 2006**.

3. In view of this judgment, the petition is allowed and respondents are directed to release the service element of pension from the date it was discontinued to petitioner and all the arrears shall be worked out within three months from today and same shall be paid to the petitioner with 12% per annum interest and service element of pension should be allowed to continue till his death. No orders as to costs.

**A.K. MATHUR**  
(Chairperson)

**M.L. NAIDU**  
(Member)

New Delhi  
November 23, 2009