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T.A. No. 364/2009

[W.P. (C) No. 6665/2006 of Delhi High Court]

05.04.2010

Present: Sh.D.K. Sharma, Advocate, counsel for the petitioner.

Dr.Ashwani Bhardwaj, Advocate, counsel for the respondents.

Heard learned counsel for parties.

The issue before us in this case has already been decided by us in the case of 'Ex Hav Attar Singh vs UOI' bearing TA no.478/2009 on 29.01.2010 wherein we have already taken the view that if incumbent is retiring after full engagement with disability then he will get compensation towards disability to the extent of recommendation of Medical Board and if a incumbent who is invalided out on account of disability and he has not put in full period of qualifying service for pension then he will not be entitled to the benefit of broad banding.

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In the present case the petitioner has put in full period of qualifying service for pension. He is getting full element of service pension, he will be entitled to the disability as recommended by the Medical Board. He will not be entitled to benefit of broad banding as he is getting the full service pension.

Consequently, there is no merit in the petition. Same is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
April 05, 2010