IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI
18.

O.A. No. 169 of 2011

Naik Sudhir Kumar Rathi .....**Petitioner**

Versus

Union of India & Ors. .....**Respondents**

For petitioner: Mr. M.G. Kapoor, Advocate.
For respondents: Mr. R. Balasubramanian with Ms. Jagrati Singh proxy counsel for Mr. Anil Gautam, Advocates.

CORAM:
HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER
13.12.2011

Mr. R. Balasubramanian, learned counsel for the Respondents made a statement at Bar that the Government has taken a considered decision that in such pension matters the Government will not contest the matter. In the present case the Petitioner is said to have been invalided out of service by the order dated 1st December 2004 and the Medical Board has said that the disability is 40% for life and is attributable to Military Service. Since this is the recommendation of the Medical Board to which Government is not contesting, we do not see any reason why the disability pension may not be disbursed to the Petitioner. The petition is disposed of accordingly with no order as to costs.

Order dasti.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
December 13, 2011
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