

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

10.

O.A. No. 271 of 2011

Ex Gnr Munshi Ram

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. S.M. Dalal, Advocate.

For respondents: Mr. Ankur Chhibber, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

17.02.2012

This petition is in continuation of the earlier petition which was disposed of by this Bench on 16.12.2009 and it was observed that *"the matter is remitted back to the Central Government to decide the matter in the light of the decision discussed above. Since the incumbent has retired long back in the year 1992, matter should be decided expeditiously. Whatever benefits flow from the order passed by the Central Government, should be released forthwith. Petition is accordingly allowed. No order as to costs."*

After that the respondents passed a order dated 02.08.2010 in compliance of our order dated 16.12.2009 and in that it was ordered that *"I am directed to refer to the above cited Tribunal order and to convey the sanction of the President of India regarding grant of disability pension to No. 14367135H Ex Gnr Munish Ram @ 50% for two years w.e.f 01.12.1995. All arrears will be paid to the individual accordingly. The petitioner be brought before a Re-assessment Medical Board for assessment of his present degree*

of disablement within a period of three months from the date of issue of this sanction. Necessary PPO be issued immediately."

Thereafter, petitioner was brought before Re-assessment Medical Board and as per finding of the Board the disability of the petitioner which he was already suffering was found static and disability of the petitioner was assessed at 50% for life. Respondents issued another PPO dated 02.02.2011 sanctioning the disability element of pension w.e.f 22.11.2010.

Learned counsel for the petitioner submitted that in compliance of this Tribunal order dated 16.12.2009, petitioner was again brought before Re-assessment Medical Board and as per findings of Medical Board the disability of the petitioner is persistent and his disability was assessed at 50% for life. However, petitioner has not been granted disability element of pension for the period from 01.12.1999 to 21.11.2010. He prays that in view of recent findings of Medical Board, petitioner is entitled to disability element of pension for the above said period.

Respondents are directed to release disability element of pension for the period from 01.12.1999 to 21.11.2010 to the petitioner in the light of the recommendation of the Re-assessment Medical Board. Petition is disposed of with this observation. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 17, 2012
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