

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

**3.**  
**MA 147/2015**  
**IN OA 207/2012**

**Lt Col (Retd) B.C. Sharma** .....**Petitioner**  
**Versus**  
**UOI & Ors** .....**Respondents**

**For petitioner** : Mr VS Tomar, Advocate  
**For respondents** : Mr Mr SP Sharma, Proxy for Mr Anil Gautam, Advocate

**CORAM:**  
**HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON.**  
**HON'BLE LT. GEN. SANJIV LANGER, MEMBER.**

**ORDER**  
**02.03.2015**

The petitioner approached this Tribunal by filing OA 207/2012, which was allowed by Tribunal's order dated 07.11.2012 and the Tribunal held that petitioner's case is clearly covered by the case of ***Maj. Rajesh Kumar Bhardwaj Vs. Union of India*** in OA 336/2011 decided on 07.02.2012 wherein the issue was whether a pre-mature retiree is entitled to disability pension or not. The Tribunal in Maj Rajesh Kumar Bhardwaj's case held that PMR also are entitled to benefit of disability pension.

2. Learned counsel for the Respondents assisted by the Officer submitted that the said order dated 07.11.2012 has been implemented and as per record the petitioner is getting the disability pension @ 80%.

3. Petitioner also submitted that he has been granted disability pension @ 80%.

4. By this MA learned counsel for the petitioner submitted that order of the Tribunal passed in the case of ***Union of India Vs. Ram Avtar*** is required to be given effect to and thereby petitioner will be entitled to rounding off of the disability pension from 80% to 100% in view of Para 7.2 of the Government of India letter dated 31.01.2001.

5. Since there is a direction of the Hon'ble Supreme Court to grant the relief in accordance with the direction given by the Hon'ble Supreme Court in Ram Avtar's case, therefore, this MA is allowed and Respondents are directed to give effect to Ram Avtar's case and grant relief to the petitioner accordingly.

**(PRAKASH TATIA)  
CHAIRPERSON**

**(SANJIV LANGER)  
MEMBER**

**Dated: 02<sup>nd</sup> March, 2015/mlb**