

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

75.

OA 1818/2022

Wg Cdr Ravina Sandhu (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. S S Pandey, Advocate

For Respondents

: Mr. Anil Kumar Gautam Sr CGSC

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

29.09.2023

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act 2007, the applicant has filed this application seeking the following reliefs:

- (a) Call for the records, instructions including the RMB proceedings as well as all other guidelines, entitlement Rules etc based on which such findings and opinion declaring the disability of the Applicant for the fracture spinous process of C7 vertebra held as attributable to service at 10% permanent disability for life which was rendered and approved by the competent authority based on which the Respondents in most illegal manner rejected the claim of the Applicant in respect of her disability and thereafter quash such illegal and irrelevant RMB report.

- (b) Direct the Respondents to process the claim of the Applicant in respect of disability Fracture Spinous Process of C7 Vertebra and pay him such disability element of pension @ 50 percent w.e.f the date of retirement along with arrears with an interest @ 12% as expeditiously as possible.
- (c) Issue such other order/direction as may be deemed appropriate in the facts and circumstances of the case.

2. Now during the course of hearing of the matter, the respondents have passed an order on 07.07.2023 granting disability pension and other consequential benefits to the applicant. Paragraphs 1 and 2 of the aforesaid communicated dated 07.07.2023 read as under:

"1. The competent Authority, after examining the case in the light of views of medical authority and rules on the subject, has decided that individual Disability (ID) Cervicalgia from which the above officer was found to be suffering at the time of Release Medical Board (RMB) should be conceded as attributable to service as per approved injury report dated 21 Aug 19. The degree of disablement qualifying for disability element of pension as assessed by the RMB is 20% (Twenty percent) for life w.e.f. 17 Jun 21. Further, the disability element is to be computed @ 50% (20% rounded off to 50%) for life w.e.f. 17 Jun 21 by granting benefit of broad banding to the above veteran officer as per the provision of Para 10 of GoI/MoD letter No. 17(02/2016-D (Pen/Pol) dated 04 Sep 17.

2. The above officer being a Short Commissioned (SSC) officer and released from service on completion of her tenure of SSC, she is also entitled for service element of disability pension w.e.f 17 Jun 21 as per the provisions of GoI/MoD letter No. 1(9)/2006/D(Pen-C) dated 30 Aug 2006.

3. Shri Pandey, learned counsel for the applicant submits that in view of the aforesaid order passed on 07.07.2023, the applicant may be

granted the benefits within a time period to be fixed by this Tribunal and a direction to that effect may also be issued.

4. Taking note of the aforesaid, this O.A is disposed of with a direction that the applicant shall be granted the disability pension and other benefits approved vide order dated 07.07.2023 within four weeks from the date of receipt of a copy of this order, failing which he shall be entitled to interest @ 8% per annum till actual payment.

5. A copy of this order be provided DASTI to learned counsel for both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

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