

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

A.

OA 193/2022 with MA 269/2022

Ex Sub Harbir Singh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Praveen Kumar, Advocate  
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER  
18.12.2023

Vide our orders of even date, we have allowed the application. Faced with the situation, learned counsel for the respondents makes an oral prayer for grant of leave to appeal under Section 31 of the Armed Forces Tribunal Act, 2007 to the Hon'ble Supreme Court. We find no question of law much less any question of law of general public importance involved in the matter to grant leave to appeal. Hence, the prayer for grant of leave to appeal is declined.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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ORDER

MA 269/2022

Keeping in view the averments made in the application and in the light of the decision in Union of India and others Vs. Tarsem Singh (2009(1) AISLJ 371), the delay in filing the OA is condoned.

2. MA stands disposed of.

OA 193/2022

3. Invoking the jurisdiction of this Tribunal; under Section 14, the applicant has filed this application and the reliefs claimed in para 8 read as under:

*(a) Quash and set aside the impugned letter dated 13 Jan 2021.*

*(b) Direct respondents to grant disability Pension @ 50% after rounding off the same from 30% for life as recommended*

*by RMB to the applicant with effect from 01 Oct 2008 i.e.  
the date of discharge from service with interest @ 12%  
p.a. till final payment is made.*

*(c) Any other relief which the Hon'ble Tribunal may deem fit  
and proper in the fact and circumstance so the case.*

4. The applicant was enrolled in the Indian Army on 12<sup>th</sup> March, 1981 and discharged from Army service on 30<sup>th</sup> September, 2008 after serving the nation for 27 years and 203 days. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the medical records. The composite disability for the ailment has been assessed at 30%.

5. Keeping in view the consistent stand taken by this Tribunal based on the law laid down by the Hon'ble Supreme Court in the case of Dharamvir Singh v. Union of India and others (2013) 7 SCC 316 that Primary Hypertension may arise even in a peace area due to stress and strain of service, we see no reason not to allow the prayer of the applicant with regard to the disability Primary Hypertension, which has been assessed by the competent Medical Board @ 30%.

6. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant @ 30% for life which be rounded off to 50% for life from


the date of retirement i.e., 30<sup>th</sup> September, 2008 in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India Vs. Ram Avtar (Civil Appeal No. 418/2012) decided on 10.12.2014. However, the arrears will be restricted to three years from the date of filing of this OA, i.e. 14<sup>th</sup> December, 2021 in keeping with the law laid down in the case of Union of India and others Vs. Tarsem Singh [2008 (8)SCC 649].


7. Accordingly, the respondents are directed to calculate, sanction and issue necessary PPO to the applicant within four months from the date of receipt of copy of this order, failing which, the applicant shall be entitled to interest @ 6% per annum till the date of payment.

8. No order as to costs.

9. Pending miscellaneous application, if any, stands disposed of.

Pronounced in the open Court on 18 day of December, 2023.

  
[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

/ps/