

COURT No.1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

36.

OA 2427/2022

Nb Sub Ravindra Sharma (Retd)	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Raj Kumar, Advocate
For Respondents	:	Ms. Barkha Babbar, Advocate

CORAM:

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

ORDER  
23.11.2023

OA 2427/2022

Invoking the jurisdiction of this Tribunal; under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the reliefs claimed in Para 8 read as under:

- (a) *To quash and set aside the RMB proceedings and impugned order to the extent they deny the grant of disability element of pension to the applicant.*
- (b) *To direct the respondents to grant the disability element of pension @30% broad banded to 50% with interest @12% p.a wef date of discharge, by treating the disabilities as attributable to and/or aggravated by military service.*
- (c) *To pass any other order(s) or/and direction(s) in favour of the applicant which may deem just and*

*proper under the facts and circumstances of the case in the interest of justice.*

2. The applicant was enrolled in the Indian Army on 28.12.1995 and discharged from Service on 31.12.2021.

3. 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 Vs.. 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%.

4. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% rounded off to 50% with effect from the date of his discharge. All other claims stand rejected.

5. The respondents are directed to grant disability element of pension to the applicant @ 30% rounded off to 50% for life from the date of retirement i.e. 31.12.2021 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.

6. 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.

7. Pending MAs, if any, stand closed.

8. No order as to costs.

[RAJENDRA MENON]  
CHAIRPERSON

[P. M. HARIZ]  
MEMBER (A)

/vks/