

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

9.

OA 805/2018

Smt. Sunita widow of Ex Rfn
Sikandar (deceased)

..... Applicant

VERSUS

Union of India and Ors.

..... Respondents

For Applicant : Mr. J P Sharma, Advocate
For Respondents : Mr. A K Gautam, Sr CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
04.09.2023

The prayers made by the applicant vide the present OA
were to the effect :-

*“(a) To quash and set aside the impugned letter dated
16.12.2013 & 26.07.2017 as Annexure A-1 (Colly)
Impugned order.*

*(b) Direct to Respondents to release computing benefit of
rounding off @20% to @50% wef 27.05.2011 to for life
to the applicant as per policy issued by Gol, MoD vide
letter dated 31.01.2001 and settled the law by Hon'ble
Supreme Court of India vide its judgment dated 10 Dec
2014 in Civil Appeal No. 418 of 2012 titled as Union of
India Vs Ram Avtar, Civil Appeal No 9946 of 2016
(arising out of SLP(C) No 3353 of 2012) titled as
Davinder Singh Vs UOI & Ors decided on 20.09.2016 and
Full Bench of Hon'ble AFT (PB) New Delhi has settled the
law in Broad Banding cases in bunch matter on
01.12.2017 passed in OA 1439/2016 titled as Ex Sgt*

Girish Kumar Vs Union of India & others alongwith full arrears with 10% annual interest till payment be made which has not been released willfully.

(c) Direct to Respondents to carry out Re-assessment Medical Board of the applicant as Base Hospital, Delhi Cantt has issued a Disability Certificate on 16.06.2017 in which his disability was assessed as 50% for life according to policy letter issued by Govt of India, Ministry of Defence vide dated 07.02.2001.

(d) Issue any other appropriate order or direction which this Hon'ble Tribunal may be deem fit and proper in facts and circumstances of the case."

2. It is submitted on behalf of the applicant that pursuant to the proceedings dated 15.05.2019 the applicant has since received the broad banding of the disability element of pension @20% to 50% with the arrears being confined to commence for a period from three years prior to the institution of the present OA. In relation to the proceedings dated 12.02.2020 where the respondents had been directed to complete the Reassessment Medical Board proceedings and to submit the record in relation thereto, on behalf of the respondents has been produced the Reassessment Medical Board proceedings indicating to the effect that the disabilities of the applicant have been compositely reassessed at 20% for life, copies of which are directed to be placed on the record.

3. Counsel for the applicant submits that in view of the factum that the reassessment of the disabilities of the applicant

has been done again at 20% for life and in as much as the applicant is already in receipt of the disability element of pension @50% for life broad banded to 50% for life, there are no further prayers sought to be pressed through the present OA.

4. In view thereof, the OA 805/2018 stands disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

YOGITA