

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

4.

MA 2179/2023 in MA 854/2022 in OA 848/2015

Ex Sep Jeet Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. SS Pandey, Advocate
For Respondents : Mr. Prabodh Kumar, Advocate
Maj A.R. Subramaniam, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN PM HARIZ, MEMBER (A)

ORDER
09.05.2024

1. On behalf of the respondents has been submitted copy of the RSMB proceedings dated 20.07.2023 approved as on 19.10.2023 by the approving authority which indicates to the effect that the applicants disability is indicated to have been assessed @60% for life in terms of Para-29 of Chapter-VI of the GMO(MP),2008. Vide the present MA 2179/2023, the prayer made on behalf of the applicant seeks execution of the order dated 25.04.2022 in MA 854/2022 in OA 848/2015. Vide order dated 16.04.2019 in OA 848/2015 for the disability of Schizophrenia from which the applicant suffered from, vide paragraphs-6 and 7 thereof it was directed to the effect:-

“6. In the light of the preceding paragraphs and essential parameters given aforesaid, we hereby set aside the impugned order rejecting the claim of the

applicant for disability pension and hold that he is entitled to disability pension from the date of his retirement @ 50% for two years which is to be broad banded to 75% in the light of the judgment of the Hon'ble Supreme Court in Union of India and Ors. Vs. Ram Avtar decided on 10th December, 2014.

7. Learned counsel for the applicant submits that for any future period he will make a representation to the Competent Authority, which, if made, may be considered according to existing rules."

2. Vide order dated 25.04.2022 in MA 854/2022 filed on behalf of the applicant seeking clarification of the period of disability and grant of service element of pension for life as in vogue in similar cases of invalidment out service, vide Paragraphs-6 & 7 it was directed to the effect:-

"6. Accordingly, the order dated 06.04.2019 is modified to the extent that applicant is entitled for disability pension for five years in accordance with the assessment of Invalidment Medical Board with a further clarification that the Respondents shall pay the Applicant Service Element for life as given in other cases.


7. The prayer for Reassessment Medical Board has already been considered in the Tribunal Order dated 06.04.2019 wherein he is at liberty to seek recourse under existing rules if there is any change in the medical condition of the Applicant."-

as a consequence of which the order dated 06.04.2019 in OA 848/2015 was modified to the extent that the applicant was held entitled to the grant of the disability pension for five years in accordance with the assessment of the Invalidment Board, with a further clarification that the respondents would pay the applicant the service element for life as given in the cases.

3. Apparently, as per Reassessment Medical Board(RAMB)/ Review Medical Board proceedings dated 20.12.2023, copy of which has been submitted now on record by the respondents, the said RAMB has been conducted.

4. The respondents pursuant to the RAMB conducted shall pay the requisite disability element of pension to the applicant which is directed to be rounded off to 75% for life in terms of the orders already on the record dated 16.04.2019 in OA 848/2015 and 25.04.2022 in MA 854/2022 in OA 848/2015.

5. MA 2179/2023 is disposed of accordingly.


(JUSTICE ANU MALHOTRA)
MEMBER (J)


(LT GEN PM HARIZ)
MEMBER (A)