

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

100.

OA 1336/2023 WITH MA 5099/2023

Hav Ravi Kumar (Retd)	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Kritendra Tiwari, Advocate
For Respondents	:	Ms. Jyotsna Kaushik, Advocate

CORAM

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

ORDER
08.01.2024

MA 5099/2023

Counter affidavit has been filed. There being some delay in filing the counter affidavit, this application has been filed seeking condonation of delay. Delay condoned. Counter affidavit is taken on record.

2. MA stands disposed of.

OA 1336/2023

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 29th October, 2022 and 21st March, 2023.

(b) Direct respondents to grant disability pension @50% after rounding off from 30% for life as recommended by RMB to the applicant with effect from 01 Nov 2022 i.e., after the date of discharge from service with interest @ 12% p.a. till final payment is made.

4. The applicant was enrolled in the Indian Army on 17th October, 1998 and discharged from the service on 31st October, 2022. 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 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.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Ps