

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

69.

OA 125/2024

Sub Maj Pramod Kumar Sorout (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. U S Maurya, Advocate  
For Respondents : Ms. Sheetal Raghuvanshi, Advocate

CORAM

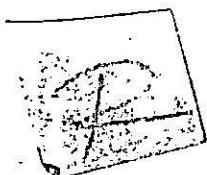
HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER  
14.11.2024

OA 125/2024

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) *Impugned order dated 24.02.2023 be set aside passed by the respondents to the extent this order deny the grant of disability pension to the supplicant as disability was neither attributable to nor aggravated by military service.*
- (b) *Direct Respondents to grant Disability element wef 28-02-2023 (from next date of discharge) after rounding of from 58% to 75%; with 12% interest as applicant's disease originated first time after 29 years of service in Armed Forces and respondents denied for grant of Disability Pension only on the ground of disabilities (i) Bipolar Affective Disorder (ii) Primary Hypertension occur in Peace Station and neither attributable nor aggravated (NANA). The question involved in this case on the matter of Primary Hypertension neither attributable nor aggravated (NANA) and peace station is no longer res integra as the same had already been settled by this Hon'ble Tribunal in the case of Sgt Surendra Pal (Retd) vs Union of India & Ors. OA2249/2022 order dated 31.05.2023 by Hon'ble AFT (PB) New Delhi, Sgt Dharmendra Kumar Jha Vs. UOI & Ors. (OA 360/2013 order dated 20-08-2014 by Hon'ble AFT (PB) New Delhi and vide page No. 26 of Raksha Mantri's Committee of Experts-2015 (Annexure*



*A-11 Colly). On the matter of disease neither attributable to nor aggravated by military service by the Hon'ble Supreme Court in the case of Dharamvir Singh Vs. Union of India and Ors (Civil Appeal No. 4949 of 2013 judgment dated 02.07.2013), Union of India Vs. Rajbir Singh (Civil Appeal no. 2904 of 2011 judgment on 13.02.2015 along with the 26 connected appeals) (Annexure A-13), Union of India & Ots. Vs. Angad Singh Titaria (Civil Appeal No. 11208 of 2011 judgment on 24.02.2015) and latest judgment Ex. Gnr. Laxmanram Poonia (Dead) Through Lrs. Vs. Union of India and Ors. (Civil Appeal no. 2633 of 2017 judgment dated 22.02.2017). On the matter of 14 days charter duties applicant case is squarely covered and has no relevancy to reject Disability Pension by the Hon'ble as adjudicated in para 11 of the case of Jyotsana Bhatnagar Vs. UOI a& Ors (OA No. 799/2016 order dated 05-04-2017 passed by Hon'ble AFT (FB) New Delhi (Annexure A-14).*

(c) *Any other relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*

(d) *Award cost of the OA to the applicant."*

2. However, during the course of hearing learned counsel for the applicant submitted that even though the OA has been filed for grant of disability element of pension in respect of ailments of *Bipolar Affective Disorder* and *Primary Hypertension* assessed at 40% and 30% respectively but he is not pressing his claim in respect of disability of *Bipolar Affective Disorder* and restricts his claim with respect to *Primary Hypertension* only.

3. The applicant was enrolled in the Indian Army on 02.11.1991 and discharged from Service on 28.02.2023. 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% for life.

4. 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%.

5. 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 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 or the date of applicant's retirement/discharge, whichever is lesser, in keeping with the law laid down in the case of Union of India and others Vs. Tarsem Singh [2008 (8)SCC 649].

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. No order as to costs.
8. Pending miscellaneous application(s), if any, stands closed.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[RASIKA CHAUBE]  
MEMBER (A)

/vks/