

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

57.

OA 1544/2023

Ex HFO (MWO) Bhalle Ram	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Bijendra Kumar Pathak, Advocate
For Respondents	:	Mr. R.S Chillar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
30.05.2024

OA 1544/2023

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/set aside the impugned order dated 23.05.2022 and the findings of RMB dated 09.08.2021 passed by respondents which is attached to this OA;
- (b) To direct the Respondents to grant disability element of disability pension for the disability of the applicant i.e. Primary Hypertension (Old) and the disability be rounded off 50% from the date of discharge i.e. with effect from 31.05.2022;
- (c) To direct the respondents to pay the arrears from the date of discharge along with interest @ 12% per annum till its payment to the applicant;

(d) Pass any other or such further order or orders as deemed fit to this Hon'ble Tribunal in order to secure the ends of justice in favour of the applicant."

2. In this case, the applicant was enrolled in **Indian Air Force** in **21st August, 1982** and was discharged from service on **31st May, 2022**. The Release Medical Board dated **9th August, 2021** found him fit to be released from service in medical category **A4G2(P)** for the disability of **Primary Hypertension**.

3. The applicant submits that for the purpose of **Primary Hypertension**, the disability has been assessed @ **30%** for life as is evident from the medical records.

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 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%** for life.

5. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension

for the disability of Primary Hypertension @ 30% rounded off to 50% for life with effect from the date of his discharge.

6. The respondents are directed to grant disability element of pension for the disability of Primary Hypertension 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.

7. Accordingly, the respondents are directed to calculate, sanction and issue necessary PPO to the applicant. The arrears shall be disbursed to the applicant within four months from the date of receipt of a copy of this order, failing which, these shall carry interest @ 6% per annum till the date of payment.

8. No order as to costs.

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[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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