

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

OA 1548/2022  
WITH  
MA 3008/2024

Col Reuben Peters (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents  
For Applicant : Mr. Piyush Thakran, Advocate with  
Mr. Udghosh Thakran, Advocate  
For Respondents : Mr. Kumar Gaurav, Advocate

CORAM

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

ORDER

MA 3008/2024

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

2. The MA stands disposed of.

OA 1548/2022

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) Call for the records including the RMB proceedings as well as the findings and opinion as approved by the competent authority based on which the Respondents in*

*most illegal manner rejected the claim of the Applicant in respect of PRIMARY HYPERTENSION and thereafter quash such orders;*

*(b) Quash the orders of the Respondents as promulgated vide letter dated 22 Feb 2019 (impugned order Annex A1) and 08 Apr 2022 (impugned order Annex A2) being illegal and malafide being contrary to the law as laid down by the Hon'ble Supreme Court in catena of judgments;*

*(c) Direct the Respondents to process the claim in respect of PRIMARY HYPERTENSION @30 percent along with arrears with interest 18% expeditiously as possible;*

*(d) Further, direct Respondents to extend benefit of broad banding in respect Applicant's disability of PRIMARY HYPERTENSION and round off the same to 50% and also grant arrears of the disability pension with interest @12% pa to be compounded quarterly with exemplary cost from the date of retirement till date payment in terms of Hon'ble Supreme Court's judgements in the case of K.J.S Buttar Vs. UOI & Ors and Union of India v Ram Avtar and anr;*

*(e) Issue such other order/direction as may in facts and circumstances the case."*

4. The applicant was commissioned into the Indian Army on 13.06.1987 and discharged from service on 31.03.2019. The applicant was examined by a duly constituted RMB on 26.11.2018 which held his disability of Primary Hypertension @ 30% for life while it was held that the disability was neither attributable to nor aggravated by military service. 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.

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 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%.

6. The respondents are directed to grant disability element of pension to the applicant @ 30% for the disability of Primary Hypertension for life which be rounded off to 50% for life from the date of retirement, i.e., 31.03.2019, 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].

7. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% for life rounded off to 50% for life and direct the respondents 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.

8. No order as to costs.

9. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 9 day of August, 2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

Ps