

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

C..

OA 1582/2020

Ex MWO Vijay Kumar Dahiya ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Mukesh Hooda and  
Mr. Vikrant Hudda, Advocate  
For Respondents : Mr. R S Chhillar, Advocate

CORAM

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

ORDER  
22.07.2024

Vide our orders of even date, we have allowed the OA. Faced with the situation, learned counsel for the respondents makes an oral prayer for grant of leave to appeal under Section 31 of the Armed Forces Tribunal Act, 2007, to the Hon'ble Supreme Court. We find no question of law much less any question of law of general public importance involved in the matter to grant leave to appeal. Hence, the prayer for grant of leave to appeal is declined.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

/kt/

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

OA 1582/2020

Ex MWO Vijay Kumar Dahiya ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Mukesh Hooda and  
Mr. Vikrant Hudda, Advocates

For Respondents : Mr. R S Chhillar, Advocate

CORAM

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

ORDER

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) Quash order/ letter dated 31.01.2019, and 13.02.2020 whereby the respondents have repeatedly rejected the applicant's request for grant of disability pension to him.

(b) Direct the respondents to give the benefits of rounding off of disability to @ 50% for life and grant disability element of pension w.e.f. 01.03.2019 @50% for life in the light of law laid down by Hon'ble Supreme Court alongwith interest @ 12% per annum alongwith all consequential benefits.

(c) Pass any such orders that Tribunal may deem fit in light of the above mentioned Facts and circumstances of the case."

2. In this case, the applicant was enrolled in Indian Air Force on 9<sup>th</sup> March, 1983 and was discharged from service

on 28<sup>th</sup> February, 2019. The Release Medical Board dated 8<sup>th</sup> August, 2018 found him fit to be released from service in low 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.

Pronounced in the open Court on this 22 day of July, 2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

Priya