

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

93.

OA 1711/2019

Ex Rifleman Vinaya Rana (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : None  
For Respondents : Mr. DK Sabat, Advocate

CORAM

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

ORDER

17.10.2024

OA 1711/2019

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the relief claimed in Para 8 reads as under:

*“(a) Direct respondents to grant disability pension to the applicant @ 50% with effect from date of his retirement, in terms of Government of India, Min of Defence letter No 1(2)/97/D(Pen-C) dated 31.01.2001 and law settled by Hon'ble Supreme Court in Civil Appeal No 418/2012 titled UOI & Ors v. Ram Avtar vide judgment dated 10.12.2014; and*

*(b) Direct respondents to pay the due arrears of disability pension with interest @12% p.a. with effect from the date of retirement with all the consequential benefits. And/or*

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

2. During the course of the hearing of the matter, it has transpired that the benefit has been granted to the applicant

and the PPO has already been issued. The copies of the documents, PPO and other materials were placed on record by the respondents on 06.03.2023.

3. As the applicant and his counsel were not present on 06.03.2023, notices were issued to the applicant and his counsel. They appeared and on 13.04.2023, it was admitted by the parties that the PPO has been issued and it was also brought to the notice of the Tribunal that in pursuance to the PPO, the disability element of pension was being granted to the applicant. However, the applicant was also entitled to arrears of pension and as there were some doubts with regard to payment of arrears, the matter was adjourned. On 31.05.2023, the respondents produced a communication dated 17.05.2023 to show that an amount of Rs.1,57,087/- has been credited to the bank account of the applicant on 27.07.2020 as arrears. As none was present for the applicant on the said date, the matter was adjourned to 07.08.2023. On 07.08.2023, the proceedings as held on 31.05.2023 and the contents of the letter dated 17.05.2023 was reproduced in the order and the respondents were directed to file a copy of the bank payment history sheet as was said to be annexed with the document dated 17.05.2023. Now, the same has also been

brought on record which indicates that the amount has been paid.

4. From the aforesaid fact it is clear that the PPO has been issued and since 2022 to 2023, the matter has been kept pending for the applicant to consider the same and raise objections, if any. Till today, no objections have been raised and the documents and the materials produced by the respondents clearly show that the benefit of disability has been granted to the applicant, the PPO has been issued and he is getting disability element of pension. That apart, the arrears also as indicated hereinabove have been credited to the applicant's account and the breakup with regard to the calculation of the arrears in the form of bank statement are also available on record.

5. Keeping in view all these facts, we are satisfied that the application is now rendered infructuous as all benefits have been granted to the applicant by the respondents themselves.

6. In view of the above, the OA stands disposed of.

  
[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

  
[REAR ADMIRAL DHIREN VIGI]  
MEMBER (A)