

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

123.

OA 1866/2019

MWO (HFO) Suresh Pal (Retd.) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. O S Punia, Advocate  
For Respondents : Mr. D K Sabat, Advocate

CORAM

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

ORDER  
30.09.2024

OA 1866/2019

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

*"A. Set aside the impugned order regarding rejection of disability pension claim issued vide letter No Air HQ/99798/1/627225/01/19/DAV(DP/RMB) dt. 09.10.2018 and rejection of first appeal vide letter No Air HQ/99798/5/320/2019/627225/DP/AV-III (Appeals) dt 18.02.2020.*

*B. Direct the respondents to accept the disability of the applicant as attributable to and aggravated by service as well as consider the net assessment qualifying for disability pension from Nil for life to @30% for life;*

*C. Direct the respondents to give the benefits of rounding off of disability element from 30% for life to @50% for life and grant disability pension w.e.f. 01.2.2019 @50% for life in the light of law laid down by Hon'ble Supreme Court alongwith interest @ 12 % per annum alongwith all consequential benefits; and*

*D. To award any other/ further relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case along with cost of the application in favour of the applicant and against the respondents."*

2. The applicant was enrolled into the Indian Air Force on 24.10.1981 and discharged from service on 31.01.2019. The applicant was examined by a duly constituted RMB on 14.03.2018, which held his disability of Primary Hypertension @ 30% for life and 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.

3. 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%.

4. 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, i.e., 31.01.2019, 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.

5. Accordingly, we allow this application holding that the applicant is entitled to disability element of pension @ 30% for the disability of Primary Hypertension 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.

6. No order as to costs.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

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