

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

OA 1997/2023 WITH MA 5062/2023

108.

Sigm Rinku Kumar (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

:

Mr Nawneet Krishna Mishra, Advocate

For Respondents

:

Dr. Vijendra Singh Mahndiyan, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN CP MOHANTY, MEMBER (A)

ORDER

12.02.2024

MA 5062/2023

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

2. MA stands disposed of.

OA 1997/2023

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:

OA 1997/2023
Sigm Rinku Kumar (Retired) Vs UoI & Ors.

- (a) *To quash and set aside the RMB proceedings and impugned order to the extent they deny the grant of disability element of pension to the applicant.*
- (b) *To direct the respondents to grant the disability element of pension @ 30% broad-banded to 50% with interest @12% p.a. wef date of discharge, by treating the disabilities as attributable to and/or aggravated by military service.*
- (c) *Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstance so the case along with cost of the application in favour of the applicant and against the respondents.*

4. The applicant was enrolled in the Indian Army on 08.08.2005 and discharged from Army Service on 31.08.2022. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the medical records.
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 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%.
6. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant for

Primary Hypertension @ 30% for life which be rounded off to 50% for life from the date of retirement i.e., 31.08.2022 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 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, if any, stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Ps
OA 1997/2023

OA 1997/2023
Sigmn Rinku Kumar (Retired) Vs UoI & Ors.