

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

OA 2019/2023

JWO Devendra Thakur (Retd) ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Tatsat Shukla and  
Mr. Dhiraj Kumar, Advocates  
For Respondents : Mr. Rajeev Kumar, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN C.P. MOHANTY, 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) *To quash and set aside the applicant's EMB proceedings to the extent the order denies grant of disability element of pension of the applicant.*

(b) *To set aside the impugned order and direct the respondents to grant the disability element of pension @30% to read 50% along with all consequential benefits, with arrears & interest @12% p.a. w.e.f. date of discharge, by treating disease as attributable to and aggravated by military, in view of the Hon'ble Apex court judgment in Rajbir Singh (supra) and Dharmvir Singh (Supra).*

2. The applicant was enrolled in the Indian Air Force on 12.09.1986 and discharged from Air Force Service.

on 30.11.2022 after rendering more than 36 years, 02 months and 17 days of regular service. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the release 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 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 Release Medical Board @ 30%.

5. 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., 30.11.2022 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. The arrears shall be disbursed to the applicant within four

months of receipt of this order failing which it shall earn interest @ 6% p.a. till the actual date of payment.

6. 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.

7. No order as to costs.

8. Pending miscellaneous application, if any, stands closed.

Pronounced in the open Court on 9<sup>th</sup> day of August, 2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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