

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

112.

OA 220/2019

Ex WO Jitendra Kumar	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Praveen Kumar, Advocate
For Respondents	:	Mr. Niranjana Das, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
20.03.2024

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:

(a) Quash and set aside the impugned letters dated 26 April, 2018 and 28th December, 2018.

(b) Direct respondents to grant the disability pension @30% and rounding off the same to 50% for life to the applicant with effect from 01 Jun 2018 i.e., the date of discharge from service with interest @ 12% p.a. till final payment is made.

2. The applicant was enrolled in the Indian Air Force on 23.08.1978 and discharged from Service on 31.05.2018. 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%.

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 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%.

4. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant @ 30% for life which be rounded off to 50% for life from the date of retirement i.e., 31.05.2018 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, 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.

6. No order as to costs.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Ps
OA 220/2019