

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

57.

OA 2706/2022

Col Sanjam Mann (Retd)	...	Applicant
Versus		
Union of India & Ors.	...	Respondents

For Applicant	:	Mr. Manoj Kr. Gupta, Advocate
For Respondents	:	Mr. Anil Gautam, Sr. CGSC

CORAM :

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

ORDER  
29.02.2024

OA 2706/2022

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) *Quash and set aside the impugned order (Annexure A-1/Colly) being unreasonable and contrary to the settled law, and/or*
- (b) *To direct the respondents to grant the disability element of DP for the disease PH which has been assessed @30% duly broad banded to 50% along with arrears & interest @ 10%p.a. wef date of discharge, by treating disease as attributable to and aggravated by military service in terms of squarely covered judgments; produced at Annex-4 & 5.*

2. The applicant was commissioned in the Indian Army on 02.11.1987 and on attaining the age of superannuation was discharged from Service on 31.07.2021. 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 also 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 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. 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., 31.07.2021 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:

- (i) 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.

7. Pending MA (s), if any, stands closed.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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