

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

OA 3397/2023 WITH MA 2252/2024

Nk Ram Singh (Retd.) ... Applicant  
Versus  
Union of India & Ors. ... Respondents

For Applicant : Mr. U.S. Maurya, Advocate  
For Respondents : Mr. Sudhir Kumar, Advocate

CORAM :

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

ORDER

MA 2252/2024

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.

MA stands disposed of.

OA 3397/2023

2. 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) Direct Respondents to grant Disability Element of Disability Pension wef 31-07-2022 (date of discharge) after rounding off from 60% to 75% with 12% interest as applicant's disease CORONARY ARTERY DISEASE originated first time after 36 years of service in Armed Forces and respondents denied for grant of Disability Element only on the ground of disability & Neither attributable Nor Aggravated (NANA). On the matter of disease neither*

*attributable to nor aggravated by military service by the Hon'ble Supreme Court in the case of Dharamvir Singh Vs. Union of India & Ors (Civil Appeal No. 4949 of 2013 judgment dated 02.07.2013), Union of India Vs. Rajbir Singh (Civil Appeal No. 2904 of 2011 judgment on 13.02.2015 along with the 26 connected appeals), Union of India & Ors. Vs. Angad Singh Titaria (Civil Appeal No. 11208 of 2011 judgment on 24.02.2015) and latest judgment Ex. Gnr. Laxmanram Poonia (Dead) Through Lrs. Vs. Union of India and Ors. (Civil Appeal No. 2633 of 2017 judgment dated 22.02.2017) and on the matter of Disability Element of Disability Pension applicant case is no longer res integra, as the same had already been settled by this Hon'ble Tribunal in the cases of Ex WO Ashok Kumar Mishra Vs. Union of India & Ors. (OA 293/2029 order dated 12-07-2023 by Hon'ble AFT (PB) New Delhi on disease CORONARY ARTERY DISEASE (Annexure A-9 Colly).*

*(b) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case.*

*(c) Award cost of the OA to the applicant."*

3. The applicant was enrolled in the Indian Army on 19.04.1986 and discharged from Army Service on 01.05.2005. The applicant was re-enrolled in DSC of Indian Army on 19.03.2009 and was discharged from DSC on 31.07.2022. The applicant submits that for the purpose of [CAD-STEIWMI (TNK+) P CI TO LAD (ICD 125.0) (OLD)], the disability has been assessed @ 60% as is evident from the 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 [CAD-STEIWMI (TNK+) P CI TO LAD (ICD 125.0) (OLD)], which has been assessed by the competent Medical Board @ 60%.

5. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant for @ 60% for life which be rounded off to 75% for life from the date of retirement i.e., 31.07.2022 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.

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.

Pronounced in the open court on 24 day of September 2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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