

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

OA 3572/2023

Ex Hav Dinesh Rautela ..... Applicant  
Versus .....  
Union of India & Ors. .... Respondents

For Applicant : Mr. Mamta Pannikar, Advocate and  
Mr. Bikrama Sah, Advocate  
For Respondents : Ms. Sheetal Raghuvanshi, 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 direct the respondents to grant the applicant with 30% disability element and to be broad banded to 50% from the next day of retirement, i.e., from 01.02.2023..*

*(b) To direct the respondents to pay arrears from the next day of retirement, i.e., from 01.02.2023 along with interest @12% per annum till its payment to the applicant.*

2. The applicant was enrolled in the Indian Army on 11.01.1999 and discharged from Air Force Service on 31.01.2023. During the course of hearing, learned counsel for the applicant made a fair statement that in this application, the applicant would only be praying for

disability pension pertaining to one ailment, i.e. Primary Hypertension and he gives up his claim for all other ailments. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the medical records.

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 Release Medical Board @30%.

4. 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., **31.01.2023** 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.

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.

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

Pronounced in the open Court on 27<sup>th</sup> day of September 2024.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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