

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

OA 608/2019

Ex JWO Dharmendra Prasad ... Applicant
Versus
Union of India & Ors. ... Respondents

For Applicant : Mr. Mohammed Mujeeb, Advocate
For Respondents : Mr. K.K. Tyagi, Advocate

CORAM :

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

ORDER

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) *To declare the action of the respondents denying the benefit of disability pension vide the impugned order as unjust, arbitrary and illegal; and*
- (b) *To direct the respondents to grant the benefit of disability pension to the applicant from the date of his discharge that is 31.07.2016, and its rounding of disability of the applicant to 50% from date of discharge.*
- (c) *To grant an interest of 12% on the delayed payment of the disability pension as applicable from the date of his discharge that is 31.07.2016.*
- (d) *To award exemplary costs upon the respondents in the facts and circumstances of the record and; and*
- (e) *Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstance so the case along with cost of the application in favour of the applicant and against the respondents.*

2. The applicant was enrolled in the Indian Air Force on 15.07.1996 and discharged from Air Force Service on 31.07.2016. The applicant submits that for the purpose of **CAD (TVD) Post CBAG (CABGx4 Done)** 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 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 (TVD) Post CBAG (CABGx4 Done)**, 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 for **CAD (TVD) Post CBAG (CABGx4 Done)** @ 30% for life which be rounded off to 50% for life from the date of retirement i.e., **31.07.2016** 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.

Pronounced in the open Court on 18th day of March, 2024.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Ps
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