

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

103.

OA 732/2019

EX MCEA(P) Chandan Gupta ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Ved Prakash, Advocate  
For Respondents : Mr. V Pattabhi Ram, Advocate

CORAM

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

ORDER  
30.04.2024

OA 732/2019

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 the Impugned Order No. PEN/600/D/LRDO I:09/2018/122965-T dated 26.09.2018.*
- (b) *To direct the respondents to grant the disability element of pension duly rounded off to 50% w.e.f his date of discharge i.e 01.10.2018.*
- (c) *Direct the respondents to pay the due arrears of disability element of Pension with interest @ 12% p.a from the date of retirement with all the consequential benefits.*

2. The applicant was enrolled in the Indian Navy on 27.01.1998 and was discharged from Service on 30.09.2018. 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 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., 30.09.2018 in terms of the judicial pronouncement of the Hon<sup>ble</sup> 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.

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

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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