

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

69.

OA 1485/2018

Lt Col Sharath Kumar Bhat (Retd.) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Ajit Kakar, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
22.10.2024

OA 1485/2018

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 direct the respondents to place all medical records including medical boards conducted by the respondents.
- (b) To set aside the impugned orders and direct the Respondents to grant disability pension to the Applicant w-e-f date of retirement of the Applicant
- (c) To direct the respondents to broad banding the disability element of pension from 30% to 50% from date of retirement,
- (d) To direct the respondent to pay 12% interest on the arrears of pension and other benefits

(e) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper

4. The applicant was commissioned in the Indian Army on 26.08.1982 and retired on 27.06.2006. The applicant submits that for the purpose of Primary Hypertension, the disability has been assessed @ 30% as is evident from the medical records.

5. 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 v. 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%.

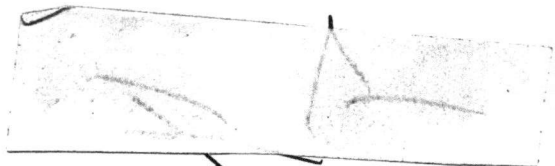
6. Accordingly, we allow this application and direct the respondents to grant disability element of pension to the applicant for Primary Hypertension @ 30% for life which be rounded off to 50% for life from the date of release i.e., 27.06.2006 in terms of the judicial pronouncement of the Hon'ble Supreme Court in the case of Union of India Vs. Ram

Avtar (Civil Appeal No. 418/2012) decided on 10.12.2014. However, as the applicant has approached the Tribunal after a considerable delay, the arrears be restricted to three years prior to the date of filing of OA i.e. 14.08.2018.

7. 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.

8. No order as to costs.

9. Pending miscellaneous application, if any, stands disposed of.



[JUSTICE RAJENDRA MENON]
CHAIRPERSON



[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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