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COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

2.

MA 147/2015 in OA 207/2012

Lt. Col. (Retd.) B C Sharma ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. V S Tomar, Advocate  
For Respondents : Mr. Anil Gautam, Sr. CGSC  
Capt Abhishek Kumar, OIC, Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER  
19.09.2025

In view of MA 5210/2024 and MA 5391/2024 having already been disposed of vide orders dated 12.12.2024, there is nothing more left to proceed further qua MA 147/2015.

2. MA 147/2015 was disposed of vide order dated 02.03.2015 which reads to the effect:-

*"The petitioner approached this Tribunal by filing OA 207/2012, which was allowed by Tribunal's order dated 07.11.2012 and the Tribunal held that petitioner's case is clearly covered by the case of Maj. Rajesh Kumar Bhardwaj Vs. Union of India in OA 336/2011 decided on 07.02.2012 wherein the issue was whether a pre-mature retiree is entitled to disability pension or not. The Tribunal in Maj Rajesh Kumar Bhardwaj's case held that PMR also are entitled to benefit of disability pension.*

*2. Learned counsel for the Respondents assisted by the Officer submitted that the said order dated 07.11.2012 has been implemented and as per record the petitioner is getting the disability pension @ 80%.*

*3. Petitioner also submitted that he has been granted disability pension @80%.*

*4. By this MA learned counsel for the petitioner submitted that order of the Tribunal passed in the case of Union of India Vs. Ram Avtar is required to be given effect to and thereby petitioner will be entitled to rounding off of the disability pension from 80% to 100% in view of Para 7.2 of the Government of India letter dated 31.01.2001.*

*5. Since there is a direction of the Hon'ble Supreme Court to grant the relief in accordance with the direction given by the Hon'ble Supreme Court in Ram Avtar's case, therefore, this MA is allowed and Respondents are directed to give effect to Ram Avtar's case and grant relief to the petitioner accordingly."*

3. The applicant does not refute the factum of being in receipt of 100% of disability pension w.e.f. 01.01.2006, as deferred in proceedings dated 03.02.2025 placed on the records of MA 5210/2024.

4. On behalf of the applicant, reliance is placed on the document that had submitted on 22.08.2025 with reference to the response dated 16.01.2025 of the PCDA(P), Prayagraj in relation to Paras-7 to 11 which read to the effect:-

*"Circular no. 39 dated 20.07.2021 was circulated by this office directing the Pension Disbursing Agencies/ Banks to revise Disability Element by Including Non-Practice Allowance at rates annexed to the Circular. Hence, the petitioner's bank, PNB, CPFC, Chandigarh may provide suitable comments."*

5. The aspect of the grant of the non-practicing allowance is averred in Para-7 of MA 5210/2024 which has already been dismissed as withdrawn vide order dated 12.12.2024 granting

liberty to the applicant to seek redressal on the said cause of action in accordance with law. The MA 147/2015 calls for no further action and is disposed of accordingly.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

C. 3  
(RASIKA CHAUBE)  
MEMBER (A)

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