

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

70.

MA 311/2025 IN OA 2438/2022

Ex LAC Pravin Ramkrushna Parante	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Ramniwas Bansal, Advocate
For Respondents	:	Mr. K.K. Tyagi, Sr. CGSC

CORAM

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

ORDER
28.01.2025

MA 311/2025

Even though the matter is listed today for orders on MA 311/2025 and the application for early hearing, considering the short question involved in the matter and the modifications made to the prayer by the applicant, we allow the application and direct that the OA be heard today itself.

2. In light of the above, MA stands disposed of.

OA 2438/2022

3. OA is taken up for hearing. The prayers made by the applicant in Para 8 are as follows:

- (a) *To quash and set aside the applicant's IMB proceedings to the extent the order denies grant of disability pension to the applicant.*
- (b) *To set aside the impugned order dated 25.11.2021 and direct the respondents to grant the disability pension*

@40% broad-banded to 50% for lifelong, along with all consequential benefits with arrears and interest @12% p.a. w.e.f. date of his discharge by treating disease attributable to and aggravated by military service, in view of the Hon'ble Apex Court Judgment in Rajbir Singh (Supra) & Dharamvir Singh (Supra) or

- (c) *Alternately, direct the respondents to grant invalid pension to the applicant with the consequential benefits, arrears and interest @12% per annum from date of discharge, in accordance with Govt. of India, MoD Letter No. 12(06)/2019/D(Pen/Pol) dated 16 July 2020 by condoning shortfall of 203 days of qualifying service for invalid pension, on the principles of law affirmed by Hon'ble AFT (PB) in TA 184/2009 titled Kulwant Singh Rathee Vs UoI and OA 1238/2016 titled Smt Shama Kaur Vs UoI.*

4. Learned counsel for the applicant submits that the applicant would be satisfied if the alternate prayer made under prayer clause 8(c) is considered and a decision is taken on it. The applicant would not be pressing for prayer clauses 8(a) and 8(b), as the issue concerning the alternate prayer in clause 8(c) is already covered by the decision of this Tribunal in the cases of Lt. A.K. Thapa Vs. Union of India & Ors. [OA 2240/2019; Date of Decision: 07.07.2023] and Ex Rect Chhote Lal Vs. Union of India & Ors. [OA 368/2021; Date of Decision: 11.03.2022], Regional Bench, Lucknow. The orders passed in these cases have already been upheld by the Hon'ble

Punjab and Haryana High Court and the Hon'ble Delhi High Court. We have heard the matter and reserve it for judgment.

5. Learned counsel for the applicant also prays that in view of the grant of invalid pension, the applicant may also be granted ECHS and a Canteen Smart Card.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

/Ps/