

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

28.

MA 4455/2024 with MA 4456/2024 in OA 2219/2019

Ex WO Ramesh Kumar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : None
For Respondents : Mr. Karan Singh Bhati, Sr CGSC
Mr. Pankaj Sharma, Incharge DAV Legal Cell

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
06.03.2025

MA 4455/2024

On behalf of the respondents, it is submitted that as per the records of the respondents it is only Ms. Sumitra Yadav, the widow of the deceased applicant who is the Legal Representative. The prayer that has been made vide MA 4455/2024 only seeks the substitution of the deceased applicant by Smt. Sumitra Yadav. The amended Memo of Parties is placed at Page-39 of this application which be also supplied to the respondents by the Registry. In view of submissions made on behalf of respondents MA 4455/2024 is allowed and amended Memo of parties is taken on record.

OA 2219/2019

The respondents have also submitted on record, copy of the Next of Kin(NOK) records qua the deceased applicant. In as much as vide the application MA 4455/2024 itself as per Annexure A-2 placed on record therewith, the date of demise of the applicant of OA 2219/2019 is indicated to be 05.02.2022 and vide order dated 07.07.2023 in

OA 2219/2019 was disposed of with directions vide Para-26 to the effect:-

“26. Under the circumstances, the OA 2219/2019 is allowed and the applicant is to be held entitled to the grant of the disability element of pension qua the disability of 'Diabetes Mellitus Type II' @ 20% for life which is directed to be broad banded to 50% in terms of the verdict of the Hon'ble Supreme Court in Union of India vs Ram Avtar decided on 10.12.2014 in Civil Appeal no. 418 of 2012 with effect from the date of his discharge i.e. 01.04.2019 from the IAF, and the respondents are directed to issue the corrigendum PPO with directions to the respondents to pay the arrears within a period of three months from the date of receipt of a copy of this order, failing which, the respondents would be liable to pay interest @6% p.a. on the arrears due from the date of this order.”

2. In view of the demise of the applicant, the grant of the disability element of pension qua the disability of Diabetes Mellitus Type-II @20% for life directed to be broadbanded to 50% in terms of the verdict of the Hon'ble Supreme Court in *Union of India vs Ram Avtar* decided on 10.12.2014 in Civil Appeal no. 418 of 2012 with effect from the date of his discharge i.e. 01.04.2019 from the Indian Air Force is directed now to be granted only till the date of his demise i.e. 05.02.2022. All other directions in the order dated 07.07.2023 in OA 2219/2019 shall continue. There has been no representation on behalf of the applicant. Copy of this order, ^{be} served to the applicant and counsel for the applicant by the Registry through email.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)