

COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

5.

OA 1658/2020

Lt Col (Retd) Bana Harendra
VERSUS
Union of India and Ors.

..... Applicant

..... Respondents

For Applicant : Applicant-in-person
Mr. U S Maurya, Advocate
For Respondents : Mr. Satya Ranjan Swain, Advocate with
Mr. Ankush Kapoor, Advocate

CORAM

HON'BLE MS. JUSTICE NANDITA DUBEY, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
07.05.2025

Lt Col (Retd) Bana Harendra is present in-person today in the Court. It is submitted by the learned counsel for the respondents that the only requirement in this case is the submission of an undertaking certificate duly signed by the applicant as per format given at page 22 of the OA, stating that he has not claimed and received any lump sum compensation in lieu of the disability as shown in RMB proceedings, the said certificate of the applicant be submitted through proper channel.

2. The disability of the applicant is aggravated by the military service as evident from RMB placed at page 99 of the counter affidavit. Further, the Government of India, Ministry of

Defence letter No. 16(5)/2008/D(Pen/Policy) dated 29.09.2009, provides that the Armed Forces personnel who are retained in service despite disability which is accepted as attributable to or aggravated by the military service and have forgone lump -sum compensation in lieu of the disability may be given disability element at the time of retirement/ discharge on or after 01.01.2006. The disability of the applicant is squarely covered by 'Guide to Medical Officers (Military Pensions), 2002.

3. Lt Col (Retd) Bana Harendra has submitted that he is ready to give the undertaking through proper channel and prays that the same be considered and the disability element of pension be granted to him.

4. In view of the statement made by applicant, the respondents are directed to consider the case of applicant and grant him the benefits subject to the approval of the Competent Authority.

5. Accordingly, this OA stands disposed off.

6. Let a copy of this order be provided '*DASTI*' to learned counsel for the parties.

(JUSTICE NANDITA DUBEY)
MEMBER (J)

(RASIKA CHAUBE)
MEMBER (A)