

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA 3798 of 2018

Wednesday, the 05th day of Dec, 2018

CORAM:

HON'BLE MR JUSTICE MOHAMMAD TAHIR, MEMBER (J)
HON'BLE VICE ADMIRAL AG THAPLIYAL, MEMBER (A)

Mangtu Ram

.....

Applicant

(By Mr Surinder Sheoran with Mr VK Bawa, Advocate)

Versus

Union of India and others

.....

Respondents

(By Mr FS Virk, CGC)

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ORDER

Non-consideration of claim of the applicant for according the benefit of rounding-off, of his disability element of disability pension in spite of legal notice dated 22.08.2017 (Annexure A-3) is wrong and illegal in view of the decision of the Apex Court rendered in **Civil Appeal No 418 of 2012 (Union of India and Others Vs. Ram Avtar) decided on 10.12.2014.**

Notice.

Mr FS Virk, CGC appears on behalf of the respondents.

Admitted.

With the consent of the parties the matter is taken on board for final disposal.

Heard.

The learned counsel for the applicant has argued that the applicant is entitled to the claimed benefit on the basis of the judgment of the Apex Court in **Ram Avtar's case (supra).**

Confronted with the above facts, learned counsel for the respondents does not dispute the legal position.

Since the point in issue is no longer **res integra**, therefore, we do not insist upon the respondents for formal reply, as it will not improve their case and it shall be a sheer wastage of public money and time.

In the present case, the applicant is already getting disability element of disability pension **for life w.e.f. 01.05.2003** @ 30% disability as is apparent from Annexure A-2, therefore, he is entitled for the benefit of rounding off by computing his disability element of disability pension to the extent of 50% as against 30% with effect from 01.05.2003. Accordingly, the application is allowed on the same terms as in **Ram Avtar's case** (supra).

On verification of the aforesaid factual facts from their record, the respondents shall calculate the arrears and release it to the applicant after getting the requisite government sanction followed by PPO within a period of four months from the date of receipt of certified copy of this order by the learned counsel for the respondents, failing which arrears shall carry interest @ 8% p.a. w.e.f. the date of this order.

Application stands disposed of in the aforesaid terms.

No order as to costs.

(AG Thapliyal)
Member (A)
'sp'

(Mohammad Tahir)
Member (J)