

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

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OA 3589 of 2018

Friday, the 16th day of Nov, 2018

CORAM:

HON'BLE MR JUSTICE MOHAMMAD TAHIR, MEMBER (J)

HON'BLE LT GEN SANJIV CHACHRA, MEMBER (A)

Raj Singh

.....

Applicant

(By Mr Budh Ram, Advocate)

Versus

Union of India and others

.....

Respondents

(By Mr Rajesh Kaul, CGC)

-.-

ORDER

Denial of benefit of rounding-off, of disability element of disability pension to the applicant w.e.f. 01.07.2008 (from which he is getting disability element of disability pension) to 31.12.2015 and giving effect from 01.01.2016 vide letter dated 07.08.2018 (Annexure A-1) 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 Rajesh Kaul, CGC accepts notice 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. 01.07.2008** @ 40% disability as is apparent from Annexures A-2 & A-3, 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 40% with effect from 01.07.2008. Accordingly, the application is allowed on the same terms as in **Ram Avtar's case** (supra) and order dated 07.08.2018 (Annexure A-1) is set aside.

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.

(Sanjiv Chachra)
Member (A)
'sp'

(Mohammad Tahir)
Member (J)