

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

**-.-**

**OA 1862 of 2017**

**Thursday, the 16<sup>h</sup> day of Aug, 2018**

**CORAM:**

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

**HON'BLE LT GEN MUNISH SIBAL, MEMBER (A)**

**Satbir**

**.....**

**Applicant**

(By Mr Surajmal Kundu, Advocate)

**Versus**

**Union of India and others**

**.....**

**Respondents**

(By Mr KK Yogi CGC)

**-.-**

**ORDER**

This application under Section 14 of the Armed Forces Tribunal Act, 2007 has been filed by the applicant for grant of service element from the date of invalidation.

The applicant was enrolled in the Army on 21.03.1984 in a medically fit condition and released at own request with an aggravated disability assessed at 30% on 30.11.1992. The applicant has now been granted only disability element without the service element by the respondents.

It is submitted by the learned counsel for the applicant that disability pension consists of both the elements i.e. service and disability elements. Now there is no requirement of any length of service for grant of service element. Requirement of length of service has altogether been abrogated w.e.f 01.01.1973. In this regard, he refers to a decision of Delhi High Court dated 30.03.2006 rendered in **W.P.(C) No. 3721 of 2006 titled as Ex.Sep.**

**Mahender Singh Vs. UOI and others** as well as various decisions of this Bench. Further, pre-mature retirees are now entitled to disability pension as per judgment of the Hon'ble Delhi High Court in Case No. 2967 of 1989 decided on 05.05.2014 titled as **Mahavir Singh Narwal Vs. UOI and others** and affirmed by the Hon'ble Apex Court.

We have considered the submissions of the learned counsel for the applicant as well as the documents on record as also the decision cited by the learned counsel for the applicant.

Admitted position is that now the period of qualifying service for grant of service element stands totally abrogated w.e.f. 01.01.1973 as per amendments made in paragraph 186 of Pension Regulations for the Army, 1961. The applicant was discharged from service w.e.f. 30.11.1992.

Thus, having regard to the facts and circumstances of the case and in view of the decision of the Delhi High court referred to above as well as the various decisions of this Bench, we are of the view that the applicant is entitled to get service element and disability element. The disability element shall be duly rounded off to 50% w.e.f. 01.01.1996 as per decision of the Hon'ble Supreme Court in **UOI and others Vs. Ram Avtar Civil Appeal No.418 of 2012 decided on 10.12.2014**.

Accordingly, the applicant is allowed. The respondents are directed to release the necessary benefits to the applicant from the date of discharge i.e 01.12.1992 within a period of four months from the date of receipt of a certified copy of this order by the learned counsel for the respondents.

No order as to costs.

(Munish Sibal)  
Member (A)  
RR

(Mohammad Tahir)  
Member (J)