ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH AT CHANDIMANDIR

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OA 3043 of 2018

Wednesday, the 10th day of Oct, 2018

<u>CORAM:</u>
HON'BLE MR JUSTICE M.S. CHAUHAN, MEMBER (J)
HON'BLE VICE ADMIRAL AG THAPLIYAL, MEMBER (A)

Balbir Singh   ……   Applicant

(By   Ms Jasneet Kaur, Advocate for
        Mr Navdeep Singh, Advocate)

Versus

Union of India and others   ……   Respondents

(By   Mr Maneesh Bali, CGC)

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<u>ORDER</u>

Heard.

Notice.

Mr Maneesh Bali, CGC appears and accepts notice on behalf of the respondents.

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

Grievance of the applicant is that though disability earned by the applicant has been accepted by the respondents as aggravated to military service but disability pension has been denied to him on account of unnecessary interference by the Pension Sanctioning Authority which is not permissible in terms of judgement of Hon'ble Supreme Court rendered in *Civil Appeal No.164 of 1993 Ex Sapper Mohinder Singh & Ors Vs. UOI & Ors,* decided on 14.01.1993 and the Division Bench judgement of the Hon'ble High Court of Punjab and Haryana in *Ramesh Kumar Sharma Vs.*

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Union of India 2003 SCC On Line P&H 1654. Nothing to the contrary has been referred to on behalf of the respondents.

In the circumstances we dispose of this OA with a direction to the respondents to process applicant's claim for disability pension in terms of the aforesaid judgement and on verification of the facts, if he is found entitled to the same, release it together with arrears to the applicant as expeditiously as possible but not later than four months from the date of receipt of copy of this order by the Learned counsel/representative for the respondents. While doing so respondents shall also keep in mind judgement of Hon'ble Supreme Court, rendered in ***Civil Appeal No.418 of 2012 (Union of India and Others Vs. Ram Avtar) decided on 10.12.2014***.

No order as to costs.

(AG Thapliyal)   **(M.S. Chauhan)**
Member (A)   **Member (J)**
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