

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

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**OA 3048 of 2018**

**Wednesday, the 10<sup>th</sup> day of Oct, 2018**

**CORAM:**

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

**Sukhdev Singh**

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**Applicant**

(By Mr DS Jaswal, Advocate)

**Versus**

**Union of India and others**

.....

**Respondents**

(By Mr KK Yogi, CGC)

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**ORDER**

The claim of the applicant for according the benefit of rounding-off, of his disability element of disability pension was rejected by the respondents vide order dated 28.03.2018(Annexure A-3), which 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 KK Yogi, CGC accepts notice on behalf of the respondents.

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 01.05.2015 @ 30%** disability as is apparent from the PPO(Annexure A-1), 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 01.05.2015**. Accordingly, the application is allowed on the same terms as in **Ram Avtar's case** (supra) and order dated 19.04.2012 (Annexure A-3) 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 it fell due.

Application is disposed of in the aforestated terms.

(AG Thapliyal)  
Member (A)  
sks

(Mohammad Tahir)  
Member (J)