

**ARMED FORCES TRIBUNAL
REGIONAL BENCH
JABALPUR**

20 July, 2023

CORAM :

**HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN GOPAL R, MEMBER (A)**

17.

OA 29/2021 with MA 62/2021

JC-764047Y, Sub Rakesh Kumar Shrivastava (Retd)

S/o Shri Gopivallabh Shrivastava,
R/o B - 178 Indra Complex, Vidisha,
District Vidisha (MP).

.....Applicant

Versus

1. **Union of India,**
Through the Secretary,
MoD, Govt of India, New Delhi.
2. **COAS,**
IHQ of MoD (Army)
DHQ, PO New Delhi.
3. **AG PS**
IHQ of MoD (Army)
Plot No. 108, Brassey Avenue,
Church Road, New Delhi.
4. **OIC, EME Records,**
C/o 56 APO.
5. **PCDA (P),**
Draupadi Ghat, Allahabad (U.P.).

.....Respondents

For Applicant : Mr KC Ghildiyal, Sr. Advocate with
Mr HC Singh and Mr Pradeep Dwivedi, Advocates.

For Respondents : Mr Akash Malpani holding brief of
Mr HS Ruprah, CGSC.

ORDER

1. The case was heard on 20.07.2023.
2. The Hon'ble Supreme Court on 03.07.2023, in *Civil Appeal No 4248 of 2023* filed by Union of India against grant of disability pension with rounding off in a case of NANA [*Brig Mohanan Nair (Retd) Vs Union of India, OA 437 of 2018*] has stayed the grant of disability pension ordered by AFT, RB, Kochi. In this case, the applicant had retired in 2013 as a Low Medical Category (LMC) on account of Primary Hypertension, Obesity and Impaired Glucose Tolerance.
3. In the *ibid* case before us, the applicant had been discharged on 31.05.2015 in LMC P2 (P) on account of Primary Hypertension with an assessment of 30% held as NANA.
4. In view of the stay by the Apex Court, the final orders on the OA will be subject to outcome in the Civil Appeal No 4248 of 2023 by Hon'ble Supreme Court.
5. Awaiting decision of the Hon'ble Supreme Court, list the matter after Civil Appeal No 4248 of 2023 is decided by the Supreme Court.

(LT GEN GOPAL R)
MEMBER (A)

(JUSTICE RAJENDRA MENON)
CHAIRPERSON