

**ARMED FORCES TRIBUNAL
REGIONAL BENCH
JABALPUR**

19 July, 2023

CORAM :

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

28.

OA 34/2020 with MA 18/2020

JC-758350K Sub Parmatma Prasad Shukla (Retd)

S/o Late Shri Vidya Dhar,
R/o H. No. 452/1, Omkar Kripa,
Water Supply Road, Ward No. 36,
Chandangaon, District Chindwara (MP).

.....Applicant

Versus

- 1. Union of India,**
Through the Secretary,
MoD, Govt of India, New Delhi.
- 2. AG/PS – 4 (2nd Appeal),**
IHQ of MoD (Army)
Room No. 11, Plot No. 108
Brassey Avenue, Church Road, New Delhi.
- 3. Deputy Director, AG/PS – 4 (Imp-II),**
IHQ of MoD (Army)
C/o 56 APO.
- 4. OIC, EME Records,**
C/o 56 APO.

.....Respondents

For Applicant : Mr Vaibhav Tiwari and Mr Vinay Kumar Sharma, Advocates.

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

ORDER

1. The case was heard on 19.07.2023 and had been reserved for orders.
2. However, 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 30.06.2015 in LMC P2 (P) on account of Primary Hypertension, Obesity and Dyslipidemia with a composite assessment of 40% 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