

IN THE ARMED FORCES TRIBUNAL  
REGIONAL BENCH, GUWAHATI.

O.A-04/2017

No. 14913830F  
Ex-Nk(TS) Khimsuan Lian,  
Vill Lailam Veng, Churachandpur,  
P.O. Churachandpur,  
Dist. Churachandpur (Manipur)  
Pin- 795128.

.....**Applicant.**  
By legal practitioners  
for Applicant.  
**Mrs. Rita Devi,**  
**Mr. R Tahbildar.**

-Versus-

1. Union of India  
Through Secretary,  
Ministry of Defence,  
Sena Bhawan, New Delhi-110011.
2. Records The Mech Inf Regiment  
Pin 900476, C/o 56 APO.
3. Additional Directorate General,  
Personnel Services, P.S.-4(d),  
Adjutant General's Branch,  
IHQ of MoD(Army), DHQ, P.O. New Delhi.
4. The Principal Controller of Defence Accts(P),  
Allahabad, Pin 211014, Uttar Pradesh.

.....**Respondents**  
By legal practitioners  
for Respondents.  
Mr. N.Baruah, **CGSC.**

PRESENT

HON'BLE MR. JUSTICE B.P.KATAKEY, MEMBER (J)  
HON'BLE VICE ADMIRAL MP MURALIDHARAN, MEMBER (A)

ORDER

24 Mar. 2017

(By B.P.Katakey,J.)

Heard Mr.AR Tahbildar, learned Counsel for the applicant and Mr.  
N.Baruah, learned Central Govt. Standing Counsel assisted by Col Anand,  
OIC, Legal Cell, Guwahati appearing for the respondents.

2. The applicant has filed this O.A. challenging the order dated 5<sup>th</sup> October, 2016 passed by the Senior Record Officer for OIC Records, the Mech Inf Regiment, whereby and whereunder the claim of the applicant for granting the rounding off benefit of the disability element of the pension has been rejected on the ground that the applicant having not been invalidated out from service and having been discharged from from service on completion of the term of engagement is not entitled to the same.

3. It appears from the PPO issued by the PCDA(P), Allahabad that the applicant is receiving the disability element of the pension @ 20%.

4. The Hon`ble Supreme Court vide order dated 10.12.2014 passed in Civil Appeal No. 418 of 2012 (Union of India & Ors. Vs. Ram Avtar) has held that the personnel who have been discharged from service on completion of the term of engagement, are also entitled to the rounding off benefit in terms of the policy decision dated 31.1.2001 of the Govt. of India.

5. That being the position, the impugned order dated 5<sup>th</sup> October, 2016 passed by the Senior Record Officer for OIC Records (Annexure-F) is not sustainable in law and hence it is set aside, as the applicant is entitled to the benefit of rounding off the disability element of the pension from 20% to 50%.

6. The respondents are, therefore, directed to pay the disability element of the pension, as aforesaid, with arrear for a period of 3 (three) years preceding the date of filing of the OA. (OA filed on 6.2.2017). The arrear would carry interest @ 9% per annum from the said date till the date of payment. The arrear along with interests shall be paid within a period of 4 (four) months from the date of receipt of a copy of this order.

7. O.A. stands allowed. No costs.

8. Learned Counsel for the respondents made a prayer for leave to appeal before the Hon`ble Supreme Court under Section 31 of the Armed Forces Tribunal Act, 2007.

9. Having heard the learned Counsel we are of the considered opinion that the order does not involve any question of law having general public importance. Hence, the prayer for grant of leave to appeal before the Hon`ble Supreme Court stands rejected.

**MEMBER (A)**

**MEMBER(J)**

Nath.