

**IN THE ARMED FORCES TRIBUNAL  
REGIONAL BENCH, GUWAHATI**

OA- 05/2017

PRESENT

HON`BLE DR. (MRS) JUSTICE INDIRA SHAH, MEMBER (J)  
HON`BLE LT GEN GAUTAM MOORTHY, MEMBER (A)

No.4351904A  
Ex-Sep Paokholun  
Vill-VL Joulen  
PO-Churachandpur  
Dist-Churachandpur (Manipur)  
PIN-795128

..... Applicant

By legal practitioners for  
Applicant.

**Mrs. Rita Devi  
Mr. A.R.Tahbildar**

-VERSUS-

1. **Union of India,**  
Represented by the Secretary,  
Ministry of Defence  
Sena Bhawan, New Delhi – 11
2. **Defence Security Corps Records**  
PIN-901277  
C/O-56 APO.
3. **Additional Directorate General**  
Personnel Services, PS -4(d)  
Adjutant General's Branch  
IHQ of MOD (Army), New Delhi
4. **The Principal Controller of Defence  
Accounts (Pension)**  
Allahabad, PIN 211014  
Uttar Pradesh

..... Respondents

By Legal Practitioner for the  
Respondents  
**Mr. N. Baruah, CGSC**

Date of Hearing : 09.05.2018

Date of Order : 09.05.2018

## ORDER

(Per Lt. Gen Gautam Moorthy, Member (A))

This case has been filed U/s 14 of the Armed Forces Tribunal Act, 2007 for rounding off the disability element of pension from 20% to 50%.

1. The applicant was enrolled as Sepoy in Assam Regiment on 06.07.1979 and was discharged from service on 01.04.1995 in Low Medical Category CEE (P) and his disability was assessed at 20% for life by Release Medical Board which is opined to be aggravated by military service. Accordingly, the applicant has been getting the disability pension at 20% from 01.04.1995. The applicant has now prayed to grant the benefit of broad banding of the disability element of pension.

2. Heard Mr. AR Tahbildar, learned counsel appearing for the applicant and Mr. N. Baruah, learned CGSC assisted by Capt Akash Vashishta, OIC, AFT Legal cell, Guwahati appearing for the respondents.

3. The issue of broad banding of the disability element of pension for cases which have been held attributable or aggravated by military service is no longer *res-integra* in view of the catena of judgments principally the Judgment dated 10.12.2014 passed by the Hon'ble Supreme Court in ***Union of India & Others Vs Ramavatar*** in Civil Appeal No. 418 of 2012 as well as the Full Bench of AFT, Principal Bench order dated 01.12.2017 in OA 1439 of 2016 (***Ex Sgt Girish Kumar Vs. Union of India & Ors***).

4. It is observed from the PPO at Annexure-B, that the applicant has been getting disability element of pension at 20% for life from 01.04.1995.

5. For the reasons mentioned above, the application is allowed. The applicant is entitled to get disability element of pension taking his disability as 20% which has to be rounded off upto 50% as per Government's circular issued in the year 2001 with effect from 1.1.1996. The arrears be calculated and paid to the applicant within a period of three months from the date of receipt of this order failing which simple interest @ 8% per annum will be levied on the arrears.
6. Learned counsel for the respondents has filed a signal wherein it is observed that the statement of case for obtaining Govt. sanction for condonation of shortfall in qualifying service for grant of minimum service pension along with representation dated 30.03.2017 submitted by the petitioner has been forwarded to PAO (OR) DSC Kannur for onward submission to Indarmy (DDG DSC) through CDA Chennai vide their Est. letter dated 24.04.2018.
7. Respondents are directed to expedite the sanction and file the compliance report within three months from today.
8. List on **09.08.2018** for filing compliance report in both cases.

**MEMBER (A)**

**MEMBER (J)**

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