

# IN THE ARMED FORCES TRIBUNAL

REGIONAL BENCH, GUWAHATI

OA- 17/2017.

PRESENT

HON`BLE MR. JUSTICE B.P.KATAKEY, MEMBER(J)  
HON`BLE LT GEN GAUTAM MOORTHY MEMBER (A)

No.4351669M Ex Nk (TS)  
Tongkhothang kuki  
Village Sita  
PO Pallel  
Dist. Chandel (Manipur)  
Pin 795135.

..... Applicant.

By legal practitioners for  
Applicant.

Mr. A.R.Tahbildar

-VERSUS-

1. Union of India,  
Represented by the Secretary,  
Govt. of India, Ministry of Defence  
Sena Bhawan, New Delhi – 110011.
2. Records the Assam Regiment  
Pin (ARMY)-900332 C/O 56 APO.
3. Additional Directorate General  
Personnel Services , PS -4(d)  
Adjutant General's Branch  
IHQ of MOD(Army),DHQ,PO 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 : 18.04.2017

**Date of Order : 18.04.2017**

**ORDER**

***( B.P.Katakey,J)***

Heard Mr.A.R.Tahbildar, learned counsel appearing for the applicant and Mr. N.Baruah, learned CGSC appearing for the respondents.

[2] The applicant, who has been discharged from service w.e.f 01.06.2001 on completion of his term of engagement, has filed this OA challenging the order dated 21.10.2016 passed by the Senior Record Officer for OIC Records, the Assam Regiment, whereby and whereunder , the claim of the applicant for grant of the benefit of rounding off the disability element of pension has been rejected on the ground that he having not been invalided out of service is not entitled to the same.

[3] It is not in dispute that the applicant was discharged from service on completion of his term of engagement on 01.06.2001. The applicant has been granted disability element of pension @ 40% for life, as is evident from the PPO dated 25.05.2004.

[4] The issue relating to grant of the benefit of rounding off of disability element of pension to personnel who are not been invalidated out from service is no longer *res integra*, in view of the order dated 10.12.2014 passed by the Hon'ble Supreme Court in Union of India Vs Ramavatar .

[5] In view of the above, we are of the considered opinion that though the applicant has been discharged from service on completion of his term of engagement, he is entitled to the benefit of rounding off of disability element of pension, pursuant to the aforesaid order dated 10.12.2014 passed by the Hon'ble Supreme Court in Ramavatar (supra) as well as in terms of Govt. of India Policy decision dated 31.01.2001.

[6] We, therefore, allow the OA setting aside the impugned order dated 21.10.2016 and directing the respondent authority to grant the benefit of rounding off of the disability element of pension to the applicant from 40% to 50%, with arrear for a period of 3 years preceding the date of filing the representation by the applicant before the respondent authority i.e. 08.10.2016. The arrear would carry interest @ 9% per annum from the said date till the date of payment. The arrear with interest shall be paid to the applicant within a period of 5 (five) months from the date of receipt of a copy of this order.

[7] The OA is accordingly allowed as indicated above. No costs.

[8] Mr. N.Baruah, learned CGSC appearing for the respondents, at this stage, has made an oral prayer to grant leave to appeal before the Hon'ble Supreme Court under Section 31 of the AFT Act,2007,which,however, has been rejected as this order does not involve any question of law having general public importance.

**MEMBER(A)**

**MEMBER (J)**

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