

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--

RA 10 of 2024 in OA 618 of 2023

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Bhola Singh

.....

Applicant

(By Lt Col VK Padwal (Retd), Advocate)

Versus

Union of India and others

.....

Respondents

(By F.S. Virk, Sr PC)

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ORDER

Heard.

Vide order dated 17.01.2024, the Tribunal dismissed the OA on the ground that the OA was filed much beyond the period of limitation, as the applicant was invalidated out on 21.01.1979 and he approached the Court on 12.04.2023. So, there is no ground for review in this case, hence dismissed.

No order as to costs.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

'sp'

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/no

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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MA 1317 & 1318 of 2021 in TA 913 of 2010

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Satbir Singh **Applicants**

(By None)

Versus

Union of India and others **Non-applicant**

(By FS Virk, Sr PC)

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ORDER

None appears for the applicant.

Dismissed on the ground of non-prosecution. Otherwise also the application has been filed after a delay of 4079 days and as such the same is much beyond the period of limitation and hence dismissed on the ground of non-availability of applicant or his counsel and on delay as well.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

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**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--

MA 213 & 214 of 2021 in OA 55 of 2017

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Union of India and others

.....

Applicants

(By Rohit Verma Sr PC, through VC)

Versus

Smt Baljit Kaur

.....

Non-applicant

(By DS Jaswal, Advocate)

--

ORDER

On the request of learned counsel for the applicants adjourned to

05.07.2024.

(Lt Gen (Dr) Ranbir Singh)

Member (A)

(Justice Shekher Dhawan)

Member (J)

05th Mar, 2024

'sp'

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

..-

MA 1169 & 1170 of 2021 in OA 2264 of 2019

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Union of India and others **Applicants**
(By Sonia Sharma Sr PC)

Versus

Iqbal Singh **Non-applicant**
(By Surinder Sheoran, Advocate for
Navdeep Singh, Advocate)

..-

ORDER

Learned proxy counsel appearing for the non-applicant seeks time for arguments as arguing counsel is not available, being busy in Hon'ble High Court.

List on **16.04.2024.**

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024
'sp'

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

MA 493 & 494 of 2020 in OA 2439 of 2018

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Union of India and others **Applicants**
(By A.S. Thakur, Sr PC)

Versus

Piar Chand **Non-applicant**
(By None)

..-
ORDER

On the request of learned counsel for the applicant adjourned to
05.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024
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**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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MA (E) 53 of 2022 in OA 890 of 2020

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Desh Raj

.....

Applicant

(By Abhimanyu Sharma, Advocate)

Versus

Union of India & Others

.....

Respondents

(By Anupama Sharma, Sr PC)

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ORDER

Learned counsel for the Union of India has taken the plea that Government Sanction in the matter has been issued and sometime be given for issuance of PPO.

Needful be done by the date fixed.

List on **12.07.2024**.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

'sp'

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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MA (E) 381 of 2022 in OA 446 of 2020

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Satpal Singh

.....

Applicant

(By Surajmal Kundu, Advocate)

Versus

Union of India & Others

.....

Respondents

(By Rohit Verma, Sr PC)

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ORDER

On the request of learned counsel for the parties adjourned to
25.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

'sp'

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

-.-

MA (E) 708 of 2022 in OA 165 of 2021

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Kuldip Singh

.....

Applicant

(By DS Jaswal, Advocate)

Versus

Union of India & Others

.....

Respondents

(By Anupama Sharma Sr PC)

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ORDER

In this case MA for execution was filed in the year 2022 and notice was issued on 01.11.2022, which was accepted by Learned counsel representing Union of India. Thereafter continuously Union of India had been seeking time for complying the order of the Tribunal but till today unfortunately the learned counsel for Union of India has no intimation regarding the present status of implementation of order under execution.

In view of above, we direct Union of India to comply the order by next date, failing which the coercive action to procure the presence of officer/official who is responsible for non compliance shall be initiated on next date.

List on 15.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--
OA 1704 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Rajeshwar Singh **Applicant**

(By Apoorva Pushkarana, Adv., Proxy counsel for Navdeep Singh, Advocate)

Versus
Union of India and others **Respondents**

(By Manisha Garg, Sr PC)

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ORDER

At the very outset, learned counsel representing the applicant has submitted at Bar that she has no objection if the arrears of disability pension claim is restricted to three years preceding the date of institution of this Original Application i.e. 16.11.2022 thus applicant shall be entitled to disability pension w.e.f. 17.11.2019.

2. Applicant — **Rajeshwar Singh** has filed the present Original Application under Section 14 of the Armed Forces Tribunal Act, 2007, for grant of disability pension @ 20% with the benefit of rounding off to 50% for life w.e.f. 01.10.2018 with arrears with costs and for setting aside the part of Medical Board (Ann.A-9) and rejection of claim vide letter dated 13.02.2019 (Ann.A-10).

3. The facts in nutshell are that the applicant was commissioned in Indian Army on 2.10.1995 in a fit state of health and released from service in a low medical category on 30.09.2018 after rendering 22 years and 11 months and 10 days of service. During the course of his service, he was also found to be suffering from the disease as "**Solitary Seizure ICD-**

G40” @ 20%, with composite assessment @ 20% for life” but net assessment qualifying for disability pension at Nil for life and held the same to be neither attributable to nor aggravated by military service.

4. The applicant claim for disability pension was not allowed as his disability was held to be NANA. His claim for disability pension stands rejected vide Ann.A-10 and his representation for grant of disability pension, no response has been received from authority. As such, the claim of the applicant for the grant of disability pension is stated to be illegally ignored hence, this application for redressal of his grievance.

5. Learned counsel representing Union of India has taken the plea that the disability of the applicant held neither attributable to nor aggravated by military service as his disability incurred in peace area, hence his case for the grant of disability pension has rightly been rejected.

6. Learned counsel representing the applicant during the course of arguments has submitted that the prayer made in this application is squarely covered in his favour by various judgements of Hon'ble Apex Court decision rendered in ***Dharamvir Singh Vs Union of India (2013) 7 SCC 316, Three Judge Bench decision*** in Civil Appeal 2337/2009 ***Union of India Vs Chander Pal*** decided on 18-09-2013, ***Union of India Vs Rajbir Singh*** (2015) 12 SCC 264, ***Union of India Vs Angad Singh Titaria*** (2015) 12 SCC 257, ***Union of India Vs Manjeet Singh*** (2015) 12 SCC 275, Civil Appeal 4409/2011 ***Ex Hav Mani Ram Bhaira Vs Union of India*** decided on 11-02-2016, Civil Appeal 1695/2016 ***Satwinder Singh Vs Union of India*** decided on 11-02-2016 and ***Ex Gnr.Laxmanram Poonia Vs Union***

of India (2017) 4 SCC 697. The Applicant further submits that his claim is also supported by the applicable rules.

7. We have considered the rival submissions made by learned counsel on both sides in the light of the law laid down by the Apex Court in ***Dharamvir Singh Vs Union of India (Supra)*** and the relevant rules. The relevant extract of the judgment reads as follow :-

“Para 30...In the present case it is undisputed that no note of any disease has been recorded at the time of appellant's acceptance for military service. The respondents have failed to bring on record any document to suggest that the appellant was under treatment for such a disease or by hereditary he is suffering from such disease. In absence of any note in the service record at the time of acceptance of joining of appellant it was incumbent on the part of the Medical Board to call for records and look into the same before coming to an opinion that the disease could not have been detected on medical examination prior to the acceptance for military service, but nothing is on the record to suggest that any such record was called for by the Medical Board or looked into it and no reasons have been recorded in writing to come to the conclusion that the disability is not due to military service...”

Para 32 ...In spite of the aforesaid provisions, the Pension Sanctioning Authority failed to notice that the Medical Board had not given any reason in support of its opinion, particularly when there is no note of such disease or disability available in the service record of the appellant at the time of acceptance for military service. Without going through the aforesaid facts the Pension Sanctioning Authority mechanically passed the impugned order of rejection based on the report of the Medical Board. As per Rules 5 and 9 of 'Entitlement Rules for Casualty Pensionary Awards, 1982', the appellant is entitled for presumption and benefit of presumption in his favour. In absence of any evidence on record to show that the appellant was suffering from "Generalised seizure (Epilepsy)" at the time of acceptance of his service, it will be presumed that the appellant was in sound physical and mental condition at the time of entering the service and deterioration in his health has taken place due to service...”

Para 33...As per Rule 423(a) of General Rules for the purpose of determining a question whether the cause of a disability or death resulting from disease is or is not attributable to service, it is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions. "Classification of diseases" have been prescribed at Chapter IV of Annexure I; under paragraph 4 post traumatic epilepsy and other mental changes resulting from head injuries have been shown as one of the diseases affected by training, marching, prolonged standing etc. Therefore, the presumption would be that the disability of the appellant bore a causal connection with the service conditions...”

8. It is proved beyond all reasonable doubt that at the time the applicant entered into Military service, he was not suffering from any disease/ disability.

9. Therefore, we are not satisfied with the opinion of the Medical Board that the disability incurred by the applicant is neither attributable to nor aggravated by military service, rendered by the Medical Board in its report for the reason that at the time of entry into Defence service, no such disease was in existence nor could be detected by the Medical Board which had conducted the medical examination at that time i.e. entry into Defence Service.

10. Considering the law laid down by the Hon'ble Supreme Court and also the attending circumstances, the rejection of the claim of applicant for the grant of disability pension is neither legally nor factually sustainable. The applicant, therefore, is entitle to the grant of disability pension.

11. In view of the above, this application is accepted and the order under challenge are accordingly set aside and quashed. The applicant is held entitled to the grant of disability pension @ **50% as against 20% for life** from the day next to date of his discharge from service i.e **01.10.2018**, after being rounded off in terms of the judgment of the **Hon'ble Supreme Court** in *Civil Appeal No 418/2012 titled Union of India Vs Ram Avtar* decided on **10.12.2014**. The due and admissible arrears, are directed to be released in favour of the applicant within a period of three months from the date of receipt of certified copy of this order failing which, the applicant shall be entitled to recover the interest @ 8% per annum till realization of entire amount.

12. Since the applicant has approached this Tribunal after a period of about 4 years of his discharge, therefore, arrears are restricted to three years preceding the date of filing the present Original Application, i.e.16.11.2022.

13. Miscellaneous Application (s) pending, if any, shall also stand disposed of.

14. No order so as to costs.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

Whether speaking/reasoned : Yes

Whether reportable : Yes

ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA 1886 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Bakshish Lal **Applicant**

(By DS Jaswal, Advocate)

Versus

Union of India and others **Respondents**

(By Rajesh Kaul Sr PC)

-.
ORDER

Reply filed by Union of India is taken on record.

Applicant herein was discharged on 31.10.2000 and at the time of discharge his disability was assessed as 30%. However, as per instructions from PCDA, it was held not attributable from service and relief of pension has not been granted and as such nothing was paid to the applicant. Applicant has not undergone any RSMB by now.

Learned counsel for applicant seeks time to look into the point whether even RSMB can be ordered at this belated stage.

List on 26.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

-:-

OA 842 of 2020

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Jai Parkash

.....

Applicant

(By Surinder Sheoran, Advocate)

Versus

Union of India and others

.....

Respondents

(By NC Nahata, Sr PC)

-:-

ORDER

Reply filed by Union of India is taken on record.

List on 06.05.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

-.
OA 968 of 2020

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Zora Singh (since deceased) Applicant

through Smt Bhateri, LR

(By Surinder Sheoran, Advocate)

Versus

Union of India and others Respondents

(By Manisha Garg, Sr PC)

-.
ORDER

Reply filed by Union of India is taken on record.

Relief of rounding off benefits is pending before Hon'ble Punjab and Haryana High Court wherein stay order has already been granted.

For awaiting further order of Hon'ble High Court, the case is adjourned for next date.

List on 07.08.2024.

**(Lt Gen (Dr) Ranbir Singh)
Member (A)**

**(Justice Shekher Dhawan)
Member (J)**

05th Mar, 2024

sby

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA 146 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Balwinder Singh **Applicant**

(By GS Ghuman, Advocate)

Versus

Union of India and others **Respondents**

(By Sangeeta Debey, Sr PC through V.C.)

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ORDER

Reply filed by Union of India is taken on record.

The matter in controversy is already pending before Larger Bench.

For awaiting order of Larger Bench, the case is adjourned for next date.

List on 07.08.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA 166 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Gian Singh **Applicant**

(By DS Jaswal, Advocate)

Versus

Union of India and others **Respondents**

(By A.K.Jund, Sr.P.C. Proxy counsel for AK Sharma, Sr PC)

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ORDER

Reply filed by Union of India is taken on record.

Learned proxy counsel seeks short adjournment as arguing counsel is not available due to ill health.

List on 07.08.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR

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OA 353 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Kuldip Singh

.....

Applicant

(By Ganesh Kumar Sharma, Advocate through V.C.)

Versus

Union of India and others

.....

Respondents

(By A.K.Jund, Sr.P.C. Proxy counsel for AK Sharma, Sr PC)

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ORDER

Learned proxy counsel seeks short adjournment as arguing counsel is not available due to ill health.

List on 07.08.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

sby

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--
OA 354 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Fardip Singh **Applicant**

(By Abhimanyu Sharma, Advocate)

Versus
Union of India and others **Respondents**

(By AK Jund Sr PC)

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ORDER

Applicant, Ex. Naik **Fardip Singh**, has filed the present Original Application under Section 14 of the Armed Forces Tribunal Act, 2007 for seeking the following relief (s) :-

(i) Direction/ Order to respondent to quash/ set aside letter dated 13.01.2022 issued By Record office.

(ii) Directions to the respondents to release the War Injury Pension and arrears of War Injury Pension and benefit of broad-banding to the applicant @ 50% against 20% w.e.f. 01.03.2020 for life alongwith interest @ 12% per annum, in the interest of justice.

2. The relevant facts as detailed in the Original Application are that the applicant was enrolled in Indian Army **16.07.2004** in a fit state of health and invalid out from service on **29.02.2020** in the rank of Naik. He has rendered 15 years, 07 months and 15 days service. The copy of Discharge Book is Annexure A-1. During service period, the applicant was deployed at Forward Post on LOC in **Operation Rakshak** (J & K) and due to adverse climatic condition he suffered disability **RAYNAUDS PHENOMENON (ICD-23)**. The Release Medical Board vide Annexure

A-2 has assessed the disability suffered By the applicant @20% for life and held the same attributable to military service. He was granted disability pension @20% for life vide Annexure A-3. The applicant then served a legal notice dated 15.12.2021 (Annexure A-4) upon the respondents to grant the War Injury pension @ 20% By rounding it off 50% from **01.03.2020** for life but his claim was rejected vide letter dated 13.01.2022 (Annexure A-5). The applicant claims that as per Government of India, Ministry of Defence Letter No.1(2)/97/I/D (Pen-C) dated 31.01.2001 (Annexure A-6), and also as per **Army Order 1/2003 (Annexure A-7)** he is entitled to the grant of War Injury pension **instead of disability pension** as his disability is covered for war injury pension, hence the present OA.

3 The Union of India has taken the plea that the applicant was granted disability pension @20% By rounding it off 50% w.e.f. 01.03.2020 for life vide PPO dated **09.10.2020** for the disability **RAYNAUDS PHENOMENON (ICD-23)** and his claim for grant of war injury element By treating his disability as Battle Casualty is barred By limitation of six months.

4 We have heard the learned counsel for both the parties and gone through the relevant facts of the case.

5. During the course of arguments, learned counsel for the applicant has taken the plea that the case of the applicant is covered as per sub-para 1(g) of Appendix 'A' to Army Order 1/2003 and he is seeking War Injury Pension on the basis of the same. Relevant portion of sub-para 1(g) of Appendix 'A'

to Army Order 1/2003 is reproduced as under :-

“Appendix A to AO 1/2003

Battle Casualties

1(a) to (f) x xxxx

(g) *Casualties occurring while operating on the International Border or Line of Control due to natural calamities and illness caused By climatic conditions.*

(h) to (s) x xxxx.”

6. Union of India has not disputed with regard to issuance of Army Order 1/2003.

7. In view of the above, we direct Union of India to decide the case of the applicant in the light of sub-para 1(g) of Appendix ‘A’ to above Army Order as expeditiously as possible but not later than three months from today and release the payment, if any, due to the applicant within the same time.

8. The present Original Application is disposed of accordingly. Miscellaneous Application (s) pending, if any, shall also stand disposed of.

9. No order so as to costs.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

Whether speaking /reasoned : Yes

Whether reportable : Yes

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

..-
OA 1364 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Rajmal (since deceased) through Applicant

Smt Sakuntala Devi, LR

(By Jai Singh, Advocate)

Versus

Union of India and others

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Respondents

(By KK Yogi, CGC)

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ORDER

Reply already filed By Union of India is taken on record.

On request of learned counsel for the applicant, this case is adjourned
to 08.08.2024.

**(Lt Gen (Dr) Ranbir Singh)
Member (A)**

**(Justice Shekher Dhawan)
Member (J)**

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA (Appeal) 1935 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Pawan Kumar

.....

Applicant

(By Col Jasbir Singh (Retd), Advocate)

Versus

Union of India and others

.....

Respondents

(By Sangeeta Dubey Sr PC through VC)

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ORDER

Reply already filed By Union of India is taken on record.

Learned counsel for the applicant has taken the plea that the original record of Summary Court Martial is required in this case.

Let Union of India to produce the original record of Summary Court Martial on the next date.

List on 23.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA 1744 of 2016

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Sukhwinder Singh **Applicant**

(By Col. (Retd.) A.K.Sharma through VC)

Union of India and others **Respondents**

(By Tunit Walia, Sr PC through VC)

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ORDER

Learned counsel for the applicant is on Video Conferencing but not audible. Learned counsel to come present in person on the next date and argue the case.

List on 22.05.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

MA 252 of 2021, MA 496 of 2017 and OA 489 of 2017

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Bir Singh (since deceased) through Applicant

Smt Lichami, LR

(By Jai Singh Advocate for Samarvir Singh , Advocate)

Union of India and others Respondents

(By Rohit Verma, Sr PC through VC)

ORDER

Learned counsel for Union of India has taken the plea that Long Roll is available with him and remaining record has already been destroyed.

Learned proxy counsel for the applicant has requested for adjournment on the ground that the original counsel is busy on account of marriage of his daughter.

Adjourned to 23.07.2024.

**(Lt Gen (Dr) Ranbir Singh)
Member (A)**

**(Justice Shekher Dhawan)
Member (J)**

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

-.-
OA 1500 of 2017
Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Sewa Singh

(By Surajmal Kundu, Advocate)

.....

Applicant

Versus

Union of India and others

(By Sonia Sharma, Sr PC)

.....

Respondents

-.-

ORDER

Heard.

Learned counsel for the applicant has taken the plea that the applicant was going to Hissar Cantt. from Leh which was his previous place of posting to get the **Clothing Card** and during this period, he met with an accident which caused disability. The Court of Inquiry was held in this case and the Court of Inquiry has held the applicant to be not responsible for causing accident.

Learned counsel for Union of India has taken the plea that the applicant has sustained injury while he was on 10 days Casual Leave and there was no nexus with his duty and as such he is not entitled to the relief claimed.

Learned counsel for the applicant seeks some more time to argue the case.

Adjourned to 23.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

-:-
OA 1334 of 2019

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Amrik Singh Gyani

.....

Applicant

(By Apporva Pushkarna Advocate for Navdeep Singh, Advocate)

Versus

Union of India and others

.....

Respondents

(By Rubinia Sharma CGC through VC)

-:-

ORDER

The relief claimed in the OA is for benefit of rounding off. The matter involving rounding off has been stayed By the Hon'ble Punjab and Haryana High Court as per order dated 22.12.2023 and for awaiting the decision in the matter, the case is adjourned to 26.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--
OA 580 of 2020

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Devi Dutt **Applicant**

(By Navjot Singh Bhatti, Advocate)

Versus
Union of India and others **Respondents**

(By Varsha Gahlawat Sr PC for Resp 1-4 and Mahesh Dheer, ADV for Resp 5 & 6)

--
ORDER

Heard.

Learned counsel representing the Bank has taken the plea that the PPO was issued for release of Service Pension on 18.04.2016. The Bank released the service pension w.e.f. **01.07.2016** but no payment was released regarding arrears for intervening period i.e. **04.01.1985 to 30.06.2016** because it was a case of arrears and as per instructions issued By the PCDA(P)Allahabad arrears cannot be released except with the sanction of PCDA(P). The respondent Bank issued letter dated 08.08.2016 (Annexure A-14) to PCDA(P)Allahabad to accord sanction but respondent Bank has not received any instruction regarding sanction till now and as such arrears have not been released.

Learned counsel for Union of India has taken the plea that the applicant was released the amount of disability element w.e.f. 06.04.1981 to 30.01.1983. The disability element was discontinued w.e.f 04.01.1985.

He was sanctioned service element w.e.f. 31.01.1983 for life and as such Union of India is not responsible.

Taking all the facts into consideration, the applicant is entitled to release of service pension right from the date of his discharge but the same has not been released for intervening period. The Union of India is directed to take necessary steps for release of arrears of service pension to the applicant for intervening period i.e. **04.01.1985 to 30.06.2016** within a period of two months from today failing which the applicant shall be entitled to interest on the arrears due for the intervening period @ 8% per annum. However, it is made clear that it is for Union of India to decide whether Union of India is responsible or respondent Bank is responsible. In any way, payment of the arrears is to be made to the applicant By respondent – Union of India or Bank concerned within the stipulated period as detailed above.

Adjourned to 22.05.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

~.-

OA 164 of 2021

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Surjit Singh

.....

Applicant

(By D.S. Jaswal , Advocate)

Versus

Union of India and others

.....

Respondents

(By Sonia Sharma, Sr PC)

~.-

ORDER

Reply already filed By Union of India is taken on record.

The relief claimed in the OA is for disability pension with benefit of rounding off. The matter involving rounding off has been stayed By the Hon'ble Punjab and Haryana High Court as per order dated 22.12.2023 and for awaiting the decision in the matter, the case is adjourned to 19.07.2024.

**(Lt Gen (Dr) Ranbir Singh)
Member (A)**

**(Justice Shekher Dhawan)
Member (J)**

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

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OA 274 of 2021

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Tarsem Singh **Applicant**

(By D.S. Jaswal , Advocate)

Versus

Union of India and others **Respondents**

(By KK Bheniwala, Sr PC)

-.
ORDER

Reply already filed By Union of India is taken on record.

On request of learned counsel for Union of India , this case is
adjourned to 19.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

~.-

OA 360 of 2021

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Suraj Bhan

.....

Applicant

(By Surinder Sheoran, Advocate)

Versus

Union of India and others

.....

Respondents

(By Sangeeta Dubey, Sr PC through VC)

~.-

ORDER

Reply already filed By Union of India is taken on record.

Learned counsel for the applicant has taken the plea that the Union of India in reply has taken the stand that the applicant was asked to file certain documents and the applicant has failed to file the same. Learned counsel for the applicant seeks some more time to have appropriate instruction for filing of the documents, if any, or to file the same By the next date so that necessary action be taken.

Adjourned to 25.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

OA 405 of 2021

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Suresh Kumar **Applicant**

(By Jai Singh Advocate)

Versus

Union of India and others **Respondents**

(By Sonia Sharma Sr PC)

ORDER

Reply already filed By Union of India is taken on record.

The relief claimed in the OA is for disability pension with benefit of rounding off. The matter involving rounding off has been stayed By the Hon'ble Punjab and Haryana High Court as per order dated 22.12.2023 and for awaiting the decision in the matter, the case is adjourned to 25.07.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

DK

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--
OA 139 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Smt Chandrawali **Applicant**

(By Surinder Sheoran, Advocate)

Versus

Union of India and others **Respondents**

(By FS Virk, Sr PC)

--
ORDER

During the course of arguments, learned counsel for the applicant has taken the plea that the applicant had put in total 09 years and 110 days of service in both spell of service from 16.07.1940 to 12.12.1954 including break. As per relevant rules applicable for pension at that time, applicant was not entitled to special pension as his service was less than 10 years and as such, the applicant never approached this Tribunal or any other Court. Later on, policy decision was taken By Government of India on 14.08.2001 where By applicant and similarly situated defence personnel who were having deficiency of 01 year were also entitled for pension. The said policy was before the *Hon'ble Supreme Court* in *Civil Appeal No. 9389 of 2014* titled *Union of India Vs. Surender Singh Parmar* decided on 20.01.2015 and as per above judgement it was made clear that the same policy shall be applicable w.e.f. 14.08.2001 only and same gives cause of action to the applicant to approach this Tribunal and on the basis of that the applicant approached this Tribunal well in time.

Learned counsel for the applicant seeks time to place on file copy of Government policy dated 14.08.2001.

Learned counsel for Union of India also seeks time to have appropriate instructions with regard to aforesaid policy and argue the case.

List for arguments on 02.04.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

‘dp’

ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

OA 487 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Naresh Kumar Sharma **Applicant**

(By Surender Pal, Advocate)

Union of India and others **Respondents**

(By DS Dadwal, CGC)

ORDER

Reply already filed By Union of India is taken on record.

The matter in controversy is for grant of invalid pension and the same controversy is pending before the Hon'ble Punjab & Haryana High Court wherein stay order has already been issued.

In view of that, the case is adjourned to next date for awaiting of order from the Hon'ble Punjab & Haryana High Court.

List on 12.08.2024.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024

'dp'

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--

MA 269 of 2024 and RA 07 of 2024 in OA 853 of 2022

Tuesday, the 05th day of Mar, 2024

CORAM:

HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)

HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)

Union of India and others Applicants- Respondents

(By AS Thakur Sr PC, through VC)

Versus

Ex AC Rishi Sharma Non-Applicant

(By Surinder Sheoran, Advocate)

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ORDER

On request of learned counsel for the applicants-respondents (Union of India), this case is adjourned to 22.04.2024.

**(Lt Gen (Dr) Ranbir Singh)
Member (A)**

**(Justice Shekher Dhawan)
Member (J)**

05th Mar, 2024
'dp'

ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH

**ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH
AT CHANDIMANDIR**

--
OA 1403 of 2023

Tuesday, the 05th day of Mar, 2024

CORAM:

**HON'BLE MR JUSTICE SHEKHER DHAWAN, MEMBER (J)
HON'BLE LT GEN (Dr) RANBIR SINGH, MEMBER (A)**

Hameer Singh **Applicant**

(By Rajesh Sehgal, Advocate through VC)

Versus
Union of India and others **Respondents**

(By Vaibhav Parashar, Sr PC)

--
ORDER

Reply already filed By Union of India is taken on record.

2. Applicant, Hameer Singh, has filed the present Original Application under Section 14 of the Armed Forces Act, 2007, for seeking the following relief(s) :-

(a) *For issuance of directions to the respondents to release the disability element of pension in respect of the petitioner from the date of invalidation/discharge i.e. 01.01.2022 onward for 20% disability (now to be computed at 50% as per the latest order of the Govt. of India, Ministry of Defence as well judgement in the case of Ram Avtar) and grant all the consequential benefits arising therefrom including the arrears with interest at the rate of 18% along with exemplary damages;*

(b) *An order may kindly be passed quashing the order dated 15.01.2022 (A-2) passed By the Record Office and Order dated 08.09.2022 (A-4) passed First Appellate Committee and the Order dated 13.03.2023 (A-6) passed By Second Appellate Committee being illegal and contrary to the rules, regulations and entitlement rules on*

the subject as well as By way of arbitrary exercise of power and without application of mind By the respondents and to grant all the consequential relief arising therefrom and or any other orders passed in derogation to the interest of the applicant reply to the various representations made By the petitioner/applicant;

(c) A direction may be issued declaring the Invaliding/Release Medical Board proceedings as arbitrary, illegal and a colourable exercise of power to the extent that it reduces the percentage of disability from 20% to 15% illegally on the strength of the grounds taken in the OA;

(d) Any other reliefs deem fit in the circumstances of the case of the petitioner as this Hon'ble Bench deem fit;

3. Relevant facts of the case are that the applicant was enrolled in the Indian Army on 26.12.1995 and discharged therefrom on 31.12.2021 after having rendered 26 years and 05 days qualifying service in a low medical category other than SHAPE-I. Prior to his discharge, Release Medical Board of the applicant was held on 30.10.2021 which recorded that the disability though aggravated By military service the extent thereof had to be reduced as the applicant had refused to undergo spinal surgery.

4. As per applicant, he was suffering from a spinal disease i.e. PIVD L4 L5 (M-51.06) and the extent of his disability was 20% for life. The same was reduced By 10% on account of refusal to undergo spinal surgery.

5. Learned counsel for the applicant has taken the plea that the Director General Armed Forces Medical Services had issued a letter dated 16.04.2019 (Annexure A-10) directing that in case of spinal disorders, where there is refusal to undergo surgery, the same may be considered reasonable *inter alia* if the disease would not be completely cured. In the instant case, the

Release Medical Board itself has opined that disability to the extent of 10% would continue to exist even if the applicant had undergone surgery and thus the refusal to undergo surgery should have been considered reasonable and the applicant should have been granted full disability pension.

6. Learned counsel representing Union of India has taken the plea that as the applicant was unwilling to undergo spinal surgery, he was not entitled to any relief. Had he undergone surgery there was likelihood that he would have been fully cured and accordingly, the Original Application deserves to be dismissed.

7. We have heard the learned counsel for both the parties and perused the records.

8. A perusal of the Release Medical Board shows that the Medical Board had opined that there was a probability of the disease being cured if the applicant had undergone surgery. However, disability to the extent of 10% would have still remained. Under these circumstances, reference to letter dated 16.04.2019 referred to hereinabove was essential. Relevant part thereof is reproduced below :-

“2. In this context, Para 3, Chapter V, GMO 2002 clarifies that if the refusal to undergo an operation is reasonable, full disability pension normally admissible may be granted. Refusal to undergo an operation may be held reasonable when, in the opinion of medical authorities, it is improbable that such operation would cure the disability or reduce its percentage, or if such operation may be severe and dangerous to life. Surgeries performed for Spinal Disorders e.g. PIVD have the probability to cure the disability. However, there are underlying complications. Recurrence of symptoms subsequently to initial relief is also a probability, because of early onset of osteoarthritis. Therefore, the refusal of an individual to undergo surgery for Spinal Disorder e.g. PIVD stands to

reason and hence should not become a reason to reduce percentage disability.”

The aforementioned reproduction conclusively establishes that refusal to undergo spinal surgery should be considered reasonable if probability of cure of disease was not 100%. Under such circumstances, the person would be entitled to refuse the surgery and would normally be entitled to full disability pension.

9. The case of the applicant is fully covered By the aforementioned decision. It is not disputed that disability to the extent of 10% would have remained and accordingly, the refusal to undergo surgery is held to be reasonable. Thus, reduction of the extent of disability to 10% was not justified in the eyes of law. Admittedly, the disability was aggravated By military service and the case of the applicant is covered By Regulation 179 of the Pension Regulations for the Army, 1961. He is thus entitled to grant of disability pension.

10. In view of the facts and circumstances of the case, this OA is accepted and impugned orders dated 15.01.2022, 08.09.2022 and 13.03.2023 (Annexure A-2, A-4 & A-6) respectively are hereby quashed. The respondents are directed to grant disability element of disability pension to the applicant with effect from the date of discharge i.e. 01.01.2022 for disability to the extent of 20% rounded off to 50% in terms of the judgement of Hon'ble Supreme Court in the case of ***Civil Appeal No 418 of 2012 Union of India and Others versus Ram Avtar*** decided on ***10.12.2014***. Arrears be paid within three months from the date of receipt of certified copy

of this order By the learned counsel/OIC, Legal Cell, failing which the same shall attract interest @ 8% per annum.

11. Pending miscellaneous application(s), if any, will also stand disposed of accordingly.

12. No order as to costs.

(Lt Gen (Dr) Ranbir Singh)
Member (A)

(Justice Shekher Dhawan)
Member (J)

05th Mar, 2024
'dp'

Whether reasoned /speaking : Yes/No

Whether reportable : Yes/No

ARMED FORCES TRIBUNAL, REGIONAL BENCH CHANDIGARH

