

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****Original Application No 163 of 2019**Thursday, this the 14<sup>th</sup> day of January, 2021**Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)**  
**Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)**No. JC-691934-A Ex-Sub Bijay Shankar Singh  
S/o Raja Ram Singh  
R/o H. No. 125 A, Senani Vihar,  
Raibarely Road, Lucknow-226029

..... Applicant

Ld. Counsel for the Applicant: **Shri V.P. Pandey**, Advocate

Versus

1. Union of India through the Secretary, Ministry of Defence, 101 South Block, New Delhi – 110011.
2. Chief of the Army Staff, Integrated headquarter Ministry of Defence, South Block, New Delhi – 110011.
3. Officer In-Charge, Sena Chikitsa Corps, Army Medical Corps, Lucknow, PIN-226002.
4. Principal Controller of Defence Account (P) Draupadi Ghat, Allahabad.
5. The Branch Manager, Bank of India, Subhani Kheda Branch, Telibagh, Lucknow.
6. The Chief Manager CPPC Bank of India, Nagpur.

..... Respondents

Ld. Counsel for the Respondents : **Shri Amit Jaiswal**,  
Central Govt Counsel.**ORDER**

1. The instant Original Application has been filed on behalf of the applicant under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs:-

- “(I) To issue/pass order direction to respondent to revise the disability element of the applicant according to Circular

No. 555 and 582 and pay correct amount of disability element.

- (II) To issue order/direction to respondent for grant of disability element w.e.f. 01.07.2014.
- (III) Any other relief as considered proper by this Hon'ble Tribunal be awarded in favour of the applicant.
- (IV) Cost of the appeal be awarded to the applicant."

2. The facts of the case, in brief, are that applicant was enrolled in the Indian Army on 02.11.1980 and was discharged from service on 01.01.2005 in low medical category after serving more than 24 years. The Release Medical Board (RMB) assessed his disability "**PIVD L5-S1**" @ 20% for life and considered it aggravated by military service. Accordingly, applicant is in receipt of disability element @ Rs. 950/- per month w.e.f. 01.01.2005 vide PPO dated 02.08.2005. The applicant is also in receipt of service element @ Rs. 4096/- w.e.f. 01.01.2005 vide PPO dated 25.11.2004. By filing the instant Original Application, applicant has prayed for revision of disability element as per PCDA (P) Allahabad Circular No. 555 and 582 for the benefit of 7<sup>th</sup> Pay Commission and One Rank One Pension (OROP).

3. Heard Shri V.P. Pandey, learned counsel for the applicant, Shri Amit Jaiswal, learned counsel for the respondents and perused the record.

4. Learned Counsel for the applicant submitted that applicant has represented to respondent Bank for less payment on 13.02.2018 and 28.03.2018 but no action has been taken to revise the pension of the applicant. He further submitted that as per 7<sup>th</sup> Pay Commission report, One Rank One Pension report and PCDA (P) Allahabad Circular No. 555 and 582, applicant's disability element is to be revised accordingly.

5. On the other hand, learned counsel for the respondents conceded with the prayer as per contention made in Para 17 of counter affidavit.

Para 17 is quoted below :-

*“17. That in the instant case, prior to filing of the OA in the Hon’ble AFT, the petitioner did not approached to Army Medical Corps Record office for revision of his disability element. However, on receipt of OA, Army Medical Corps Record Office has taken up a case with petitioner’s CPPC i.e. The Chief Manager, Bank of India, CPPC, 57-A, 1FLR, BOI, BLDG, Gandhibagh, Nagpur (Maharashtra) for revision of his disability element with direction that “the captioned pensioner filed MA No 1091 of 2018 Inre OA No Nil of 2018 in Hon’ble AFT (RB) Lucknow, stating that, revision of disability element as per 6<sup>th</sup> CPC, OROP and 7<sup>th</sup> CPC has not revised and paid to him till date, whereas, disability element has already been granted to the pensioner @ 20% for life with duly rounded off from 20% to 50% vide PCDA (P) Allahabad PPO No DE/012193/2005. The following benefit is entitled to the above named pensioner :-*

*(a) Revision of Disability element w.e.f. 01.01.2006 as per 6<sup>th</sup> CPC vide PCDA (P) Allahabad circular No 397 dated 18 Nov 2008.*

*(b) OROP w.e.f. 01 Jul 2014 as per PCDA (P) Allahabad circular No 555 dated 04 Feb 2016.*

*(c) Further revision as per 7<sup>th</sup> CPC w.e.f. 01.01.2006 vide PCDA (P) Allahabad Circular No 598 dated 27 Mar 2018.”*

6. With the aforesaid discussion, we are of the opinion that the applicant is entitled for revision of his disability element as per 6<sup>th</sup> CPC, OROP and 7<sup>th</sup> CPC reports.

7. In view of above, we allow Original Application with the following directions:-

(a) Revision of disability element w.e.f. 01.01.2006 as per 6<sup>th</sup> CPC vide PCDA (P) Allahabad Circular No. 397 dated 18.11.2008.

(b) Benefit of OROP w.e.f. 01.07.2014 as per PCDA (P) Allahabad Circular No. 555 dated 04.02.2016.

(c) Further revision of disability element as per 7<sup>th</sup> CPC w.e.f. 01.01.2016 vide PCDA (P) Allahabad Circular No. 582 dated 05.09.2017 and Circular No. 598 dated 27.03.2018.”

8. The respondents are directed to give effect to this order within four months from the date of receipt of a copy of this order. Default will invite interest @ 8% per annum till actual payment.

9. No order as to costs.

**(Vice Admiral Abhay Raghunath Karve) (Justice Umesh Chandra Srivastava)**  
**Member (A) Member (J)**

Dated: January, 2021  
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