

Court No.1**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****M.A.No. 1603 of 2018**Thursday, the 13th day of September, 2018**Hon'ble Mr. Justice SVS Rathore, Member (J)**
Hon'ble Air Marshal BBP Sinha, Member (A)

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, HQ New Delhi.
3. Records, Bombay Engineer Group Kirkee.
4. PCDA (P), AllahabadApplicants

Ld Counsel for the
Respondent-Applicants: **Dr Shailendra Sharma Atal, Adv**

In Re:

O.A.No. 259 of 2015

No. 1577092 Ex Sapper Jaivir Singh Applicant

Versus

Union of India and others ... Respondents

Ld Counsel for the Applicant: **Shri K.K.Mishra, Advocate****ORDER (Oral)**

1. This MA has been filed with the prayer for modification/rectification of the operative portion of the order dated 19.07.2017 passed in OA No. 259 of 2015, which reads as under:

“9. Accordingly, O.A. is allowed. The respondents are directed to pay disability pension to

the applicant to the tune of 60%, which is rounded off to 75% for the period of one year, followed by re-survey medical board within a period of 3 months from today. Applicant shall also be entitled for disability pension after the period of one year from the date of discharge again in terms of opinion expressed by re-survey medical board. Let consequential benefits be paid to the applicant expeditiously. However, the applicant shall be entitled for arrears of disability pension for initial one year i.e. the period for which he was kept in low medical category 'EEE' and also for three preceding years from the date of filing of present petition and thereafter, keeping in view the report of the re-survey medical board."

2. It is submitted on behalf of the respondent-applicants that applicant Jaivir Singh was discharged in the year 1988 and by the aforesaid final order, the benefit of rounding off has also been extended to him while the policy of rounding off came into existence with effect from 01.01.1996.

3. Heard learned counsel for the parties and perused the record.

4. Learned counsel for the applicant in the OA Shri K.K.Mishra, who is also present, has admitted the aforesaid legal position. There is, thus, an error apparent on the face of record, which need be rectified.

5. We, therefore, allow this application and direct that the aforesaid final order shall be modified accordingly; the words "*which is rounded off to 75%*" shall stand deleted from the order.

The original order dated 19.07.2017 be also corrected accordingly.

Let a copy of this order be placed on the record of OA No.259 of 2015.

(Air Marshal BBP Sinha)
Member (A)

(Justice SVS Rathore)
Member (J)

Dated: Sept.13, 2018

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