

Court No.1**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****ORIGINAL APPLICATION No. 96 of 2016**Wednesday, this the 05th day of July, 2017**Hon'ble Mr. Justice D.P. Singh, Member (J)****Hon'ble Air Marshal Anil Chopra, Member (A)**

Krishna Murari Singh (No 2891572A Ex L/NK),
 S/o Late Ram Janam Singh,
 R/o Village- Sarai Ganesh,
 Post - Haldirampur, District - Ballia- 221715,
 State – Uttar Pradesh -
 Applicant

Ld. Counsel for the
 Applicant

:Shri R. Chandra, Advocate

Vs

1. Union of India, through,
the Secretary, Ministry of Defence,
Government of India, New Delhi
2. Chief of the Army Staff,
Integrated Headquarters of Ministry of
Defence (Army) DHQ Post Office New Delhi.
3. The Officer In – charge The Records
Rajputana Rifles New Delhi 110011
4. The Chief Controller Defence Accounts,
Draupadi Ghat Allahabad (UP)

-Respondents

Ld. Counsel for the :
 Respondents.

Dr. Shailendra Sharma Atal, Advocate
 Sr. Central Govt Standing Counsel.

Assisted by :

Maj Salen Xaxa, OIC Legal Cell.

ORDER (Oral)

1. This is a petition under Section 14 of the Armed Forces Tribunal Act, 2007 preferred by the applicant being aggrieved by denial of disability pension.

2. We have heard Ld. Counsel for the applicant Shri R. Chandra and learned counsel for the respondents Dr. Shailendra Sharma Atal and perused the record.

3. Admittedly, brief facts of the case are that the applicant was enrolled in the Indian Army on 26.04.1996 for a contractual period of 17 years colour service and 2 years reserve service or till 40 years of age whichever is earlier. On completion of basic military training he was posted to 14 RAJ RIF on 23.02.1997. Applicant was invalided out from service by an Invaliding Medical Board held on 29.05.2004 under Item-III(iii)Rule 13(3) of Army Rules, 1954 owing to the diagnosis "PERSISTENT DELUSIONAL DISORDER (F22.X)" after completion of 8 years, 1 month and 28 days of service as his disability was assessed to the extent of 15% to 19% for life. Disability being less than 20% applicant was not granted disability pension though he was discharged from service on 30.05.2004 on disability ground.

4. The controversy with regard to payment of disability pension is no more res-integra in view of law laid down by

Hon'ble Supreme Court, vide ***Dharamvir Singh vs. Union of India and others*** (2013) 7 SCC 316 .

5. In view of above, O.A. deserves to be allowed. Applicant seems to be entitled for payment of disability pension. Accordingly, it is held that the applicant shall be entitled for disability pension to the tune of 15 to 19% for life, which is rounded off to 50% w.e.f. 30.05.2004. The disability pension shall be paid to the applicant along with all consequential benefits as early as possible, say within four months from today. In case it is not paid, the applicant shall also be entitled to the interest @ of 9% per annum from 30.05.2004.

6. O.A. is **allowed** accordingly.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

Dated: July 5, 2017

JPT