

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****ORIGINAL APPLICATION No. 11 of 2017**Wednesday, this the 05<sup>th</sup> day of July, 2017**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**

640489-N Sudhir Kumar Singh,  
S/O Late Sri Mahendra Pratap Singh,  
Resident of House No. 537 B/25/125,  
Amber Vihar Colony, Faizullaganj,  
Sitapur Road, Lucknow. UP, Pin- 226013 - Applicant

Ld. Counsel for the : Applicant in person  
Applicant

Vs

1. Union of India, through Secretary,  
Ministry of Defence, South block,  
New Delhi-110011.
  2. The Chief of Air Staff,  
Air Head Quarter,  
New Delhi. Pin - 110011
  3. Air Officer Commanding,  
Air Force Record Office,  
Subroto Park,  
New Delhi. PIN - 110010
  4. Jt. CDA, AF, Subroto Park  
New Delhi. PIN - 110010
  5. Deputy Director, DD AV Appeal,  
Directorate of Air Veterans, Subroto Park,  
New Delhi PIN - 110010
  6. Director of Air Veterans,  
Air Head Quarter, (AV-III Appeals),  
Air Head Quarter, AFRO Building,  
Subroto Park, New Delhi PIN- 110010
- Respondents

Ld. Counsel for the : Shri Amit Sharma, Advocate  
Respondents. Central Govt Standing Counsel.

OIC Legal Cell : Maj Salen Xaxa

**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 applicant Sudhir Kumar Singh in person and learned counsel for the respondents Shri Amit Sharma and perused the record.
3. Admittedly, brief facts of the case are that the applicant was enrolled in the Indian Air Force on 10.05.1985 and discharged from service on 31.05.2005 under the clause "on fulfilling the condition of his enrolment" after rendering total 20 years and 22 days of regular service. Review Medical Board assessed his disability ID (i) "Primary Hypertension @ 30% ID (ii) Obesity @ 1-5% (iii) DM type-2 @ 6-10 ID (iv) Dyslipidemia @ 1-5% (compositely @ 30%) for life. On adjudication PCDA (P) Allahabad also upheld the recommendations of RMB and rejected the disability pension claim. Applicant preferred an appeal which was also rejected by the first appellate committee vide letter dated 16.09.2016, hence the present O.A.
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 .
6. 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 30% for life, which is rounded off to 50% w.e.f. 31.05.2005, the date of discharge of applicant. The disability pension shall be paid to the applicant alongwith 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 31.05.2005.

7. 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