

**RESERVED**

**COURT No. 1**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW**

**ORIGINAL APPLICATION No. 158 of 2017**

Thursday, this the 16<sup>th</sup> day of November, 2017

**“Hon’ble Mr. Justice D.P. Singh, Member (J)  
Hon’ble Air Marshal BBP, Sinha, Member (A)”**

Rohit Kumar Singh Ex C.P.O No 179631-B, son of Ajay Pal Singh resident of 1639, K1 Ratapur Bab Ki Kuti (Amawa Road) P.S Mill Area, Tehsil Sadar District - Raibareilly (U.P.). .....**Applicant**

Ld. Counsel for the : **Shri P.R.Singh, Advocate**  
Applicant (Counsel for the applicant)

Versus

1. Union of India through its Secretary, Ministry of Defence (NAVAL), Sena Bhawan, New Delhi.
2. The Chief of the Naval Staff, Naval headquarters Sena bhawan, Post Office, New Delhi.
3. The Commodore, SSO (Pension), Bureau of Sailors, Cheetah Camp, Mankhurd, Mumbai. ....**Respondents**

Ld. Counsel : **Shri Virendra Kumar Singh,**  
for the **Advocate,**  
Respondents. Addl. Central Govt Standing  
Counsel

**ORDER****"Per Hon'ble Air Marshal BBP Sinha, Member (A)"**

1. The present Application under section 14 of the Armed Forces Tribunal Act 2007 has been preferred seeking relief of rounding off of disability pension from 20% to 50%. The other reliefs prayed for in the relief columns have not been pressed into service in the course of arguments.

2. The facts draped in brevity are that the Applicant was enrolled in the Indian Navy on 28.07.1993 and was discharged from service on 21.12.2013. In the course of service in the Indian Navy, he joined INS Chakra and in the course of his stay in INS Chakra he developed spine pain which escalated since Jan 2011. Since problem of spine pain persisted, he was hospitalised and administered treatment at Vishakhapatnam on 25.06.2012. Thereafter, he was sent for specialised opinion by Orthopaedic Surgeon at Command Hospital Kolkatta on 09.07.2012. It was there that he was placed in low medical category by the Specialist. In ultimate analysis, the Applicant was discharged from the hospital on 13.08.2012 Subsequently, he was placed in low medical category (P) with 30% disability on 28.08.2012 as a consequence of which he was placed for examination by Release Medical Board where his disability was assessed as 20% for life attended with opinion that it was

aggravated by Navy Service. Thereafter the Applicant applied for disability pension which was sanctioned at the rate of 20% for life attended with communication that his disability was not found to be attributable to navy service. Being dissatisfied by the grant of disability pension at the rate of 20% for life, the Applicant preferred a first appeal. As a sequel to the aforesaid appeal, the Applicant was called upon to appear before the Review Medical Board but the Applicant failed to appear before the Review Medical Board. It is in the above perspective that the present O.A has been filed for the relief.

3. We have heard learned counsel for the Applicant as also learned counsel for the respondents. We have also been taken through the materials on record. On the last hearing date Ld. Counsel for the applicant has expressed his desired to limit his prayer only to rounding off disability pension.

4. This case revolves round a short question as the relief claimed is for rounding off of disability pension from 20% to 50%. The learned counsel for the respondents has also not disputed the claim that the disability of the Applicant was assessed as 20% and it was opined by Release Medical Board that the disability was aggravated by Navy Service.

5. By catena of decisions of the Apex Court, the law is very well settled and leaves no manner of doubt on the issue of

rounding off. In this connection, we may refer to the decisions of the Apex Court ***Sukhvinder Singh vs. Union of India***, reported in **(2014) 14 SCC 364** and in **Union of India and Ors v Ram Avtar & ors Civil Appeal No 418 of 2012 dated 10<sup>th</sup> December 2014**.

6. In the instant case, the disability was admittedly assessed as 20% aggravated by military service and therefore in terms of the various decisions of the Apex Court including the aforesaid judgments, the applicant disability pension will stand rounded off to fifty per cent.

7. As a result of foregoing discussions, we allow the O.A. to the extent of rounding off of disability pension only. The Applicant is held entitled to disability pension to the extent of 20% for life which is rounded off to 50%. The Respondents are directed to pay arrears of aforesaid disability pension from the date of discharge till the date of actual payment. The Respondents are further directed to give effect to the order within six months from the date of receipt of a certified copy of this order failing which the Petitioner shall be entitled to interest at the rate of 10% per annum.

8. No order as to costs.

**(Air Marshal BBP Sinha)**  
**Member (A)**

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

**Dated: November, 2017**

MH/-

