

Court No.1**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****M.A.No. 1631 of 2018**Wednesday, this the 03rd day of October, 2018**Hon'ble Mr. Justice SVS Rathore, Member (J)**
Hon'ble Air Marshal BBP Sinha, Member (A)

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarter of the Ministry of Defence (Army), South Block, New Delhi-110011.
3. Officer-in-Charge Records, Signal Records, Post Bag No.5, Jabalpur (MP) - 482001.
4. Principal Controller Defence Accounts (Pensions) Draupadi Ghat, Allahabad (UP)-211014.

..... Respondent-Applicants

Ld. Counsel for the Respondent-Applicants: **Mrs Anju Singh,
Advocate****In Re:****O.A.No. 154 of 2017**

No.14262257-N Ex Nk Radhe Shyam VermaApplicant

Versus

Union of India and others Respondents

ORDER (Oral)

1. By means of this application (MA No. 1631 of 2018), the respondent/applicants have prayed for modification of the order dated 19.02.2018 passed in OA No. 154 of 2017. In the interest of justice, the delay in filing the application is condoned.

2. Submission of learned counsel for the applicants is that while allowing the OA, the Tribunal has granted disability pension as well as service element to the applicant and since the applicant is already receiving service pension, therefore, he was entitled to only disability element and not the service element.

3. It is an admitted fact that the applicant is getting regular service pension; therefore, the service element was not to be paid to him. Though we allow this application, but we are sorry to observe as to why the respondents are not aware that when a person is getting regular service pension, then the disability pension shall not include the service element. Learned counsel for the respondents has argued that because of the aforesaid error, the order passed by the Tribunal could not be complied with, but we are of the view that the respondents, in order to seek further time for compliance of the order, have moved such an application.

4. Accordingly, **MA No. 1631 of 2018 is allowed.** In the order dated 19.02.1018, the term “disability pension” shall be read as “disability element”.

The original order is modified/corrected accordingly.

(Air Marshal BBP Sinha)
Member (A)

(Justice SVS Rathore)
Member (J)

Oct 03, 2018

LN/-