

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

APPLICATION No. : O. A. No. - 19/2022

Applicant(s)

Ex POELR Arun Kumar Sahoo

Legal Practitioner for Applicant(s)

Mr Aniruddha Datta, Advocate

Respondent(s)

Union of India & Others

Legal Practitioner for Respondent(s)

Mr. Amit Sharma, Ld. Advocate

Notes of the Registry	<p style="text-align: center;"><u>ORDERS OF THE TRIBUNAL</u></p> <p>Order Ser. No. : _____ Dated : 05.05.2022</p>
	<p style="text-align: center;"><u>O A 19/2022</u></p> <p>The applicant has invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 claiming the following reliefs:</p> <p>“(i) The applicant be held entitled to receive the benefit of broad banding of disability element of disability pension from 20% to 50% w.e.f. 01 Feb 2007, for life</p> <p>(ii) The respondents concerned be directed issue corrigendum PPO granting the benefit of broad banding of disability element of disability pension to the applicant from 20% to 50% w.e.f. 01 Feb 2007</p> <p>(iii) The respondents concerned be directed to release the arrears of broad banded / enhanced disability pension and pay the same to the applicant within a specified time, failing which the respondents be directed to pay interest @ 9% p.a. on the arrears, from the date of order till the date of its actual payment.”</p> <p>2. The factual details giving rise to the filing of this OA do not need a large canvas and our purpose would be served in drawing the picture with the following facts.</p> <p>3. The applicant, having been found medically and</p>

physically fit, was commissioned in the Indian Navy on 8th June, 1992. After serving for more than thirteen years, the applicant was diagnosed to be suffering from low back ache and accordingly was placed in Low Medical Category A3A2(Permanent) by the Re-survey Medical Board held on 1st August, 2005. The applicant was discharged from service on 31st January, 2007. The Release Medical Board at the time of discharge recorded his disability Low Backache in Low Medical Category S3A2 (Permanent) and held the same to be aggravated by Naval service.

2. It is further stated that as a consequence of implementation of the report of the Sixth CPC, a corrigendum PPO was issued to the applicant upgrading the value of his disability element for 20% disability from Rs.465/- per month to Rs.819/- per month which the applicant is getting as on date. It is further submitted that the representation claiming benefit of broad banding has also been pending since April 2021.

3. We have heard learned counsel for the parties. There is no denial of the fact that the disability to which the applicant is suffering was aggravated by military service and the applicant is only seeking benefit of broad banding. The law on the issue of broad banding is well settled by Hon'ble Supreme Court in the case of Union of India and Ors. Vs. Ram Avtar [Civil Appeal 418 of 2012] decided on 10th December, 2014.

4. In view of the above and in light of the decision of the Hon'ble Supreme Court in the matter of *Ram Avtar* (supra), we hereby hold that the applicant is entitled to the benefit of broad

banding of disability element of disability pension from 20% to 50% for life with effect from 1st February, 2007.

10. Accordingly, the respondents are directed to implement this order within a period of four months from the date of receipt of a copy of this order, *failing which*, the arrears shall carry interest at the rate of 6% per annum.

11. The OA stands disposed of in the above terms with no order as to costs.

(LT GEN BOBBY CHERIAN MATHEWS)
MEMBER (ADMINISTRATIVE)

(JUSTICE ANJANA MISHRA)
MEMBER (JUDICIAL)

/vks/