

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : T A 71/2011

APPLICANT (S)	Rajendra Prasad Singh
RESPONDENT (S)	<u>Union of India & 4 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. Arvind Kumar	Mr. Souvik Nandy

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u> Order Sl. No. : i Dated : 08.11. 2012
.	<p>Mr. Arvind Kumar, Id. adv. for the applicant and Mr. Souvik Nandy, Id. adv. for the respondents are present. It is brought to our notice by the Id. adv. for the applicant that the applicant was discharged from Army after 10 years of service being in low medical category with an award of 20% disability pension, which he is receiving along with entitled service element of pension. Through this application, he has submitted that in consonance with recommendation of the 5th Pay Commission, Govt. of India has issued order to group disability pensions in three groups i.e. 50-75-100% for those who left Army before completing their pensionable service. The applicant claims that such Govt. order should also be made applicable to him and his disability pension be treated as 50% bracket instead of 20% from 1.1.96 with all arrears.</p> <p>Mr. Souvik Nandy, Id. adv. for the respondents, before going into the merit of the case, submitted that he has instruction that Govt. will soon be taking a decision with regard to applicability of the principle of rounding off of disability pension, as a policy, for those, who were not invalidated out of army. He further</p>

explained that as of today, instructions are to apply this policy of 'rounding off' only to those pensioners, who were invalidated out of army on account of aggravated/attributable disability. He, therefore, seeks an adjournment for 8 weeks.

We have heard both parties and we are of the view that it will be prudent to wait for the Govt. to take a decision either way or to await the decision from the Hon'ble apex Court where this particular issue ipresently rests. Mr. Arbind Kumar has no objection to adjourn the matter for further period. Accordingly, the matter is adjourned to 13.2.13 for hearing. In case positive policy instructions are received to the advantage of the applicant in the meantime, then the respondents may take appropriate decision in respect of the present applicant as well.

(LT. GEN K.P.D.SAMANTA)
MEMBER(A)

(JUSTICE RAGHUNATH RAY)
MEMBER(J)