

Form No.4
[(SEE RULE 11(1))]
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA
ORDER SHEET

APPLICATION No. O.A. No. 89/2016

APPLICANT (S)	LT COL MANU GURUNG (RETD)
RESPONDENT (S)	Union of India & Others
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. S. K. Chowdhury	Mr. Anand Bhandari

<u>ORDERS OF THE TRIBUNAL</u>	
<u>Order Serial Number :</u>	<u>Dated : 29-09-2016</u>
<p>Present : S. K. Choudhury, Id advocate for the applicant and Mr. Anand Bhandari, Id. counsel for the respondents assisted by Maj Narender Singh OIC Legal Cell.</p> <p>This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 seeking relief for rounding off benefit of disability pension. Admittedly the applicant was commissioned in the Infantry Rajput Regiment on 09.06.1990. He was retired on 30.04.2015 and presently reemployed and posted at 24 Maratha L1/HQ 123 Mountain Brigade (Darjeeling). A Release Medical Board was conducted for assessing degree of disability. The RMB opined 20 per cent disability for life due to Sensorineural Deafness (RT) Ear disease and placed him in low medical category. The applicant made a representation for rounding off benefit, which was rejected.</p> <p>We have heard Id. Counsel for both the parties and perused records. The controversy relates to rounding off disability pension. This issue is no longer res integra and covered by catena of judgements. Considering the circumstances of the case we proceed to dispose of the case at the admission stage with the consent of both the parties.</p> <p>In Union of India and Ors. Vs. Ram Avtar & Ors. (Civil Appeal No. 418 of 2012 dated 10th December 2014) the Hon'ble Apex Court nodded in disapproval the policy of the Government of India in not granting the benefit of rounding off of disability pension to the personnel who have been invalided out of service on account of being in low medical category. It was decided 20 per cent shall be rounded off to 50 per cent and more than 50 per cent shall be 100%. Following the ratio of the judgement (Supra) the application deserves to be allowed.</p>	

In the result, the Original Application succeeds and is allowed. The impugned orders dated 30.03.2016 is set aside with all consequential benefits. The respondents are directed to give rounding off benefit @ 50% for life, as expeditiously as possible, say within a period of four months from the date of receipt of a certified copy of this order. No costs.

At this stage, Id. Counsel for the respondents made an oral prayer for leave to appeal before the Hon'ble Apex Court. We do not find any substantial question of law of general public importance has been pointed out which may make out a case for grant of leave to appeal under Sec. 31 of the AFT Act, 2007. Accordingly the oral prayer made by the Id. Counsel for the respondents is rejected.

Plain copy of this order be handed over to both the parties.

(Lt Gen Gautam Moorthy)
Member(Administrative)

Justice Devi Prasad Singh
Member (Judicial)