

(2014) 12 SC CK 0103
In the Supreme Court Of India
Case No : Civil Appeal No. 418 of 2012

Union of India

APPELLANT

Vs

Ram Avtar

RESPONDENT

Date of Decision : 10-12-2014

Acts Referred:

Armed Forces Tribunal Act, 2007 — Section 31(1)

Citation : (2014) 12 SC CK 0103

Hon'ble Judges : H.L. Dattu, CJI, Madan B. Lokur and A.K. Sikri, JJ.

Bench : Full Bench

Advocate : P.S. Patwalia, ASG, Ms. Vibha Datta Makhija, Senior Advocate, Dr. Fancis Julian, R. Balasubramanian, Ms. Meenakshi Grover, Abhinav Mukerji, Mrs. Anil Katiyar, Ms. Binu Tamta, B.V. Balaram Das, D.S. Mahra, Rajat Singh, Archit Upadhyay, Ms. Natasha Vinayak, Gaurav Sharma, M.P.S. Tomar, R.K. Varma, Rakesh Dahiya, Satyavan Kudalwal, Aditya Jain, R.S. Kalkal, Sudhanshu S. Choudhari, Lalit Kumar Poddar, Advocates, for the Appellant; Col. S.R. Kalkal, C.P. Singh, R.C. Kaushik, K.G. Bhagat, Ms. Manju Bhagat, Ms. Sidharth Pandita, Vineet Bhagat, Ms. Aishwarya Bhati, Gp. Capt. Karan Singh Bhati, T. Gopal, Atharsh K. Tiwari, Ms. Madhurima Ghosh, Ravindra Keshavrao Adsure (NP), Major K. Ramesh (Retd.), Ms. Archana Ramesh, Vibhuti Sharma, Dr. Kailash Chand, Respondent-in-person, Avijit Bhattacharjee, B.S. Saigal, Ms. Sarbani Kar, Rajat Sharma, Dinesh Verma, Balraj Rathee, Subhasish Bhowmick, Ms. Asha Gopalan Nair, Atul Kumar, Sanchar Anand, Apoorv Singhal, Devendra Singh, Satish Kumar, Ms. Suruchii Aggarwal, Farrukh Rasheed, Ganesh Kumar Sharma, Siddharth Mittal, K. Singhal (For S.K. Sabharwal), D.K. Thakur, Ms. Manju Jetley, Jagdev Singh Manhas, Advocates, for the Respondent

Final Decision : Allowed

Judgement

1. De-tag Civil Appeal D.No. 18257 of 2014 and Criminal Appeal No. 645 of 2013 and list them separately.

Rest of the matters:

2. Application(s) for leave to appeal under Section 31(1) of the Armed Forces

Tribunal Act, 2007 is/are allowed.

3. Delay, if any, in filing and re-filing the appeal(s) is condoned.

4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No. 1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. We have heard learned counsel for the parties to the lis.

6. We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.

7. The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.

8. This Court grants six weeks" time from today to the appellant(s) to comply with the orders and directions passed by us.

9. Ordered accordingly.