

**COURT No.1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

228.

OA 1677/2016

Lt. Col Shashi Chaudhari (Retd.) & Ors **Applicants**
Versus
Union of India & Ors. **Respondents**

For Applicants : Mr. Anil Srivastava, Advocate
For Respondents : Mr. Shyam Narayan, Advocate for R 1, 3 & 7
Mr. Prabodh Kumar, Advocate for R 4 & 5
Mr. S.D Windlesh, Advocate for R 2, 5 & 8

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON
HON'BLE LT. GEN. SANJIV LANGER, MEMBER (A)

ORDER
30.08.2017

In this O.A., the prayer is to broad-band the disability/war injury element of pension, which the applicants are presently getting at the rates shown in Column No.3 of the Table below, on the basis of the Government notification dated 31.01.2001, as well as the decision of the Hon'ble Supreme Court in *Union of India and others v. Ram Avtar* in C.A No. 418 of 2012 dated 10.12.2014.

2. The Table below contains (2) the names of the applicants, (3) the percentage of disability/war injury element of pension presently they are getting, (4) the percentage of disability/war injury element of pension to which it is to be broad banded, (5) the date of retirement/release/discharge and (6) the date from which the disability/war injury element of pension is to be broad-banded.



TRUE COPY

Sl. No.	Name of the Applicants	Disability / war Injury Element of Pension drawn	Disability/W ar Injury Element of Pension broadband ed	Date of Retirement/ Release/ Discharge	Date of Effect of broad-banded disability/ war injury element of pension	
					3 Years prior to date of filing of OA	Date of Retirement or Discharge
(1)	(2)	(3)	(4)		(5)	(6)
1.	SHASHI CHAUDHRI	20%	50%	31/03/90	05.12.16	
2.	PILLA SEETHA RAMAIAH	30%	50%	01/03/01	05.12.16	
3.	K A JEEVAN KUMAR	20%	50%	01/09/06	05.12.16	
4.	MOLAKATALLA VARADA RAJ	20%	50%	31/08/06	05.12.16	
5.	GIRISH GOGIA	20%	50%	31/08/14		01.09.14
6.	PUNEET TEWARI	40%	50%	31/01/13	05.12.16	
7.	ARAVI ND MOHAN RATURI	20%	50%	31/12/02	05.12.16	
8.	VIJAYASINGH JAI SINGH	30%	50%	30/09/03	05.12.16	
9.	S D CHANDRA SHAKER	30%	50%	30/06/13	05.12.16	
10.	SATINDER PAL SINGH PURI	30%	50%	31/01/14		01.02.14
11.	VIRPAL SINGH	20%	50%	31/08/03	05.12.16	
12.	L N SUBRAMANYAM	20%	50%	01/03/02	05.12.16	
13.	SATISH CHANDRA SHARMA	20%	50%	31/07/06	05.12.16	
14.	RAM GOPAL DHAKA	20%	50%	31/01/97	05.12.16	
15.	MENON THALAPILLIL KRISHNAMENON SETHUMAMADHAVAN	30%	50%	17/06/97	05.12.16	
16.	PRADEEP KUMAR SINGH	20%	50%	31/08/11	05.12.16	
17.	SATISH KUMAR SINHA	20%	50%	31/12/11	05.12.16	
18.	BHASKARAN PREMKUMAR PILLAI	20%	50%	31/01/11	05.12.16	
19.	PRAKASH GOVIND DEVAL	20%	50%	18/02/97	05.12.16	
20.	SHIVA SEWAK PATEL	20%	50%	30/06/08	05.12.16	
21.	SUBRATAO CHAKRAVARTY	30%	50%	30/9/07	05.12.16	
22.	UMENDER SINGH THAKUR	40%	50%	30/06/91	05.12.16	
23.	RAJ KUMAR RAHUL	20%	50%	30/06/12	05.12.16	
24.	AJAY KUMAR	40%	50%	31/07/10	05.12.01 6	
25.	RAJINDER SING HAHUKJA	20%	50%	31/12/01	05.12.16	
26.	NANDAN SINGH DHAPOLA	70%	75%	31/12/09	05.12.16	
27.	JAGADAMBA PRASAD	30%	50%	30/06/07	05.12.16	
28.	SANJIV SEHGAL	30%	50%	28/02/11	05.12.16	
29.	ANUP KUMAR GUPTA	20%	50%	30/06/08	05.12.16	
30.	ARVIND KUMAR NEGI	30%	50%	31/08/05	05.12.16	
31.	M SMOORJANI	60%	75%	31/08/04	05.12.16	
32.	LAKSHMANAN SHANMUGA SUNDARAM	70%	75%	31/05/10	05.12.16	
33.	JOSEPH MANOHAR THOMAS	50%	75%	31/01/06	05.12.16	
34.	ASHOK KUMAR JHA	20%	50%	01/09/01	05.12.16	
35.	SANGRAM SINGH MANKOTIA	60%	75%	31/08/2011	05.12.16	
36.	SANGANAGOUDA A DHAWALGI	20%	50%	23/11/2007	05.12.16	
37.	VARIGONDA VENKATA SIVA RAO	30%	50%	31/03/2002	05.12.16	
38.	RAJIV KUMAR	20%	50%	13/06/1983	05.12.16	
39.	BHASKARAN KUTTY CHANOLIRAYANPATT	30%	50%	31/05/2007	05.12.16	
40.	NARESH INDER SINGH	40%	50%	31/01/2005	05.12.16	
41.	SATISH CHANDRA	20%	50%	31/05/2012	05.12.16	
42.	S C JOSHI	40%	50%	31/03/2001	05.12.16	
43.	G R NIHALANI	40%	50%	05/12/2000	05.12.16	
44.	S M MORE	30%	50%	31/07/2003	05.12.16	
45.	BASANT KUMAR NAUTYAL	40%	50%	31/01/1985	05.12.16	
46.	KOTHAPALLI RAM MOHAN RAO	30%	50%	31/05/2003	05.12.16	
47.	DALIP SINGH BISHT	30%	50%	01/02/2003	05.12.16	
48.	RAM UJAGAR MISRA	30%	50%	01/08/2001	05.12.16	
49.	DINESH CHANDRA GOYAL	20%	50%	18/03/2011	05.12.16	
50.	NARENDER SINGH SAHI	40%	50%	01/11/2000	05.12.16	
51.	SAMARENDRA KUMAR DAS	20%	50%	01/06/2000	05.12.16	
52.	RAJINDER SINGH, SM	40%	50%	30/04/2012	05.12.16	
53.	VISHNU BABANRAO HAKIM	30%	50%	31/08/2006	05.12.16	
54.	JAI KUMAR NAIR	20%	50%	31/01/2015		01.02.15

TRUE COPY

1573
1584
na/c

55.	RUDRA SINGH	20%	50%	31/08/2011	05.12.16
56.	SAJAY SINGH TOMAR	30%	50%	08/07/2007	05.12.16
57.	RAHWENDRA SINGH	20%	50%	01/01/2002	05.12.16
58.	KAPOOR SINGH GREWAL	60%	75%	30/06/2004	05.12.16
59.	MILAN LALIT KUMAR NAIDU	20%	50%	31/12/2008	05.12.16
60.	YOGENDRA SINGH NEGI	30%	50%	29/02/2008	05.12.16
61.	HARI OM SAGERWAL	20%	50%	31/08/2007	05.12.16
62.	PRAKASH KUMAR N P	50%	75%	30/04/2016	01.05.2016
63.	S P MALHOTRA	30%	50%	01/07/1989	05.12.16
64.	D K NARASIMHA NAIK	20%	50%	01/10/2001	05.12.16
65.	M RAGHAVAN	30%	50%	01/06/2006	05.12.16
66.	SURENDRANATH K	30%	50%	31/12/2007	05.12.16
67.	THANKACHAN KJ	30%	50%	30/11/2010	05.12.16
68.	SATCHITHANANTHAM ASHOK KUMAR	20%	50%	31/12/2012	05.12.16
69.	RAJHEY SHYAM	50%	75%	31/01/2001	05.12.16
70.	NEERAL KUMAR SINGH TOMAR	20%	50%	28/2/2014	01.03.14
71.	AS FOOVAIAH	30%	50%	01/03/2007	05.12.16
72.	GEORGE THOMAS RUTHENBERT	30%	50%	31/05/2011	05.12.16
73.	DEVA DAS JESUDAS	30%	50%	01/07/1989	05.12.16
74.	RANJIT SINGH CHAUHAN	50%	75%	31/12/2004	05.12.16
75.	RANI MAHESH SHARMA	30%	50%	01/06/2001	05.12.16
76.	PA BALA KRISHNAN	40%	50%	01/08/2001	05.12.16
77.	PS PRAKASH	20%	50%	01/01/2004	05.12.16
78.	R VENKATARAMAN	30%	50%	01/06/2007	05.12.16
79.	RAJESH KUMAR SAXENA	20%	50%	31/05/2011	05.12.16
80.	JAGDISH PRASAD YADAV	20%	50%	30/11/2010	05.12.16
81.	DEVI SINGH CHAUHAN	60%	75%	01/04/2008	05.12.16
82.	DURGADAS MUNSHI	20%	50%	01/02/2002	05.12.16
83.	KANGADA MUTHAPPA NANDA	30%	50%	31/10/2007	05.12.16
84.	P N SRIVASTVA	20%	50%	30/09/2007	05.12.16
85.	DANDU HARINARAYANA REDDY	20%	50%	29/02/2004	05.12.16
86.	PVS RAO	40%	50%	31/08/2013	05.12.16
87.	MAHESH ANAND	30%	50%	30/06/2014	01.07.14
88.	GOVIND SINGH	20%	50%	31.12.2007	05.12.16
89.	K SRINIVASAN	30%	50%	31/12/2007	05.12.16
90.	RAJ KUMAR SHARMA	60%	75%	30/09/2014	01.10.14
91.	JANSHED HUSAINI	20%	50%	31/03/2008	05.12.16
92.	KULBUSHARY GUPTA	30%	50%	30/11/2006	05.12.16
93.	R C DABRAL	30%	50%	01/08/1996	05.12.16
94.	UTTAM KUMAR SAHA	50%	75%	28/02/2004	05.12.16
95.	RAVAL NISHITH KIRTIRAM	20%	50%	29/02/2000	05.12.16
96.	INDER SINGH	40%	50%	31/08/2005	05.12.16
97.	SATNAM SINGH	30%	50%	28/02/2007	05.12.16
98.	PADALA GANAPATHY	20%	50%	31/03/1998	05.12.16
99.	KALWANT SINGH	30%	50%	31/01/2002	05.12.16
100.	CHANDRAN T V	20%	50%	08/01/2011	05.12.16
101.	MAJ BHASKAR R	40%	50%	01/04/2012	05.12.16
102.	P NARASIMHA RAO	20%	50%	30/09/1986	05.12.16
103.	TATIPKA CHANDRA RAO	20%	50%	31/01/1979	05.12.16
104.	TUTA BHUJANGA RAO	30%	50%	01/07/2002	05.12.16
105.	JAMMULLA CHINNA RAMAIAH	30%	50%	10/01/2005	05.12.16
106.	GANGULA ROSAJAH	20%	50%	31/03/2007	05.12.16
107.	RAMESH CHAND	30%	50%	31/01/2012	05.12.16
108.	VISWESWARA RAO	30%	50%	31/03/2000	05.12.16
109.	SAMUEL K	20%	50%	12/12/1997	05.12.16
110.	RAGHAVAN NIKKUNNATH	20%	50%	09/01/1999	05.12.16
111.	JALAPATI SREENIVASULU	20%	50%	31/10/1986	05.12.16
112.	MUPPAVARAPU M KRISHNA RAO	30%	50%	30/11/2015	01.12.15
113.	SHRI BHAGWAN SHARMA	30%	50%	31/05/2002	05.12.16
114.	JANG BAHADUR THAPA	20%	50%	08/11/1992	05.12.16
115.	ANAND SINGH	20%	50%	31/07/1998	05.12.16
116.	JAGATAMBA PRASAD	20%	50%	01/01/2003	05.12.16
117.	NEKURI MITYALU	20%	50%	31/10/1989	05.12.16
118.	DASARI BALAKENKATA SUBBAIAH	20%	50%	10/01/2001	05.12.16
119.	VEMPALI KRISHNA MURTHY	20%	50%	31/05/2001	05.12.16
120.	GUNGA DAVEEDU	20%	50%	30/06/1981	05.12.16
121.	THODUVAI KUMARAN	20%	50%	01/01/1981	05.12.16
122.	PURAN LAL	30%	50%	31/12/1981	05.12.16
123.	MITHI REDDY SIMHACHALAM	20%	50%	12/04/1982	05.12.16
124.	N C BORAH	30%	50%	08/01/1997	05.12.16
125.	SANKARA PILLAI R	30%	50%	11/01/1994	05.12.16



TRUE COPY

126	PALLI DHARMA RAO	30%	50%	09/01/2002	05.12.16	
127	SANATAM OM SREERAMA KRISHNA MURTHY	30%	50%	30/04/1989	05.12.16	
128	SURENDRA KUMAR RAI	30%	50%	30/11/2005	05.12.16	
129	PO SAMUEL	20%	50%	31/07/1979	05.12.16	
130	DEVINDER SINGH	20%	50%	30/04/2015	05.12.16	
131	SMT CHITRA SASIKUMAR	30%	50%	31/05/2003	05.12.16	01.05.15
132	SMT G VENKATA LAKSHAMMA	20%	50%	05/01/1986	05.12.16	
133	K PARTHASARATHY	50%	75%	28/02/2001	05.12.16	
134	RAM KAWAL	20%	50%	30/04/1998	05.12.16	
135	INDRANIL BHATTACHARYA	30%	50%	31/10/2009	05.12.16	
136	B K DAS	30%	50%	30/06/2007	05.12.16	
137	C. SHANMUGHAM	20%	50%	31/01/2006	05.12.16	
3 138	RAVI PRAKASH	20%	50%	31/10/1999	05.12.16	
139	DEVENDRA KUMAR AGNIHOTRI	30%	50%	30/01/2009	05.12.16	
140	MANOJ KUMAR	20%	50%	28/02/2009	05.12.16	
141	RAMESH CHANDRA	20%	50%	31/05/2008	05.12.16	
142	ABHAY KUMAR RAI	50%	75%	31/08/2013	05.12.16	
143	GANTYADA APPA RAO	20%	50%	31/01/1982	05.12.16	
3 144	K KONDAL RAO	20%	50%	30/09/2005	05.12.16	
145	PRASHU RAM	30%	50%	31/03/2004	05.12.16	
146	JAGADANANDA BRAHMA	60%	75%	31/03/2004	05.12.16	
147	RV IYER	20%	50%	30/09/2013	05.12.16	
148	MILIND PANDURANG SURANGE	20%	50%	30/11/2015	05.12.16	
149	MANOJKUMAR GAJENDRA MEHTA	30%	50%	30/11/2012	05.12.16	01.12.15
150	INDRA PAL SINGH	30%	50%	31/03/1991	05.12.16	
151	K GOVINDAN NAIR	20%	50%	31/01/2001	05.12.16	
152	RAJANEESAN K	20%	50%	31/03/2011	05.12.16	
153	RAJYA PAL	30%	50%	31/03/2004	05.12.16	

3. There is no dispute with regard to the date of commissioning of the applicants and their retirement/discharge from service. Also, there is no dispute with regard to the fact that the applicants are presently getting disability/war injury element of pension at the rate shown in Col. No. 3 of the Table. Applicant Nos. 131 and 132 are widows, who claim the benefit of broad banding of their husbands' war injury/disability element of pension till the respective dates on which their husbands expired.

4. The learned counsel for the applicants has submitted that since the issue relating to the grant of benefit of broad-banding to persons other than those who are invalided out of service, is no longer *res integra*, in view of the judgment of the Hon'ble Supreme Court in *Ram Avtar* (supra), the respondents cannot deny the benefit of "broad banding" of the disability/war injury element of pension to the applicants.



TRUE COPY

5. The learned counsel for the respondents, on the other hand, has submitted that since the applicants were not invalidated out from service, they are not entitled to the benefit of "broad banding" on the basis of the Government notification dated 31.01.2001.

6. We are aware that the issue, relating to grant of the benefit of "broad banding" pursuant to the Government notification dated 31.01.2001 to persons other than those who are invalidated out from service, is no longer *res integra*, since the Hon'ble Supreme Court in the judgment in *Ram Avtar* (supra) has already held that persons who are not invalidated out of service are also entitled to the benefit of the aforesaid decision of the Government dated 31.01.2001.

7. Having regard to the undisputed fact that the applicants are getting disability/war injury element of pension at the rate of shown in Column No. 3 of the Table, we direct the respondents to grant them the benefit of "broad banding" also, at the rate shown in Column No. 4 of the Table. The arrears shall be paid to the appellants, either from the date of their retirement/discharge or for a period of three years prior to the date of filing of the O.A. i.e. as shown in Column Nos. 5 and 6, whichever is later, subject to verification by the respondents. In the case of Applicant Nos. 131 and 132, who are widows, they are eligible for the benefit of broad banding only till the respective date of death of their husbands, provided the date is within the last three years from the date of filing of the instant O.A, which shall be verified by the respondents.

8. The respondents shall comply with this order within four months from the date of receipt of a copy of this order, failing which they shall pay



interest @ 8% per annum on the entire arrears till the date of actual payment, in each case as relevant.

9. The O.A. is accordingly allowed. No costs.

sd/-
(VIRENDER SINGH)
CHAIRPERSON

sd/-
(SANJIV LANGER)
MEMBER (A)

Alex/Sp/Vk

TRUE COPY



TRUE COPY U/R 23
OF AFT (PROCEDURE)
RULES 2003
[Signature]
02/11/17
FOR REGISTRAR