

**COURT No.2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

60.

OA 166/2016 with MA 170/2016

Lt Col Ashok Kumar Sabharwal (Retd) &
102 Ors Petitioners
Versus
Union of India & Ors. Respondents

For petitioner : Mr Anil Srivastava, Advocate
For respondents : Dr Vijendra Mahndiyani & Mr DK Bhati,
Advocates

CORAM:

**HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON
HON'BLE LT. GEN. SANJIV LANGER, MEMBER**

**ORDER
04.11.2016**

Heard the learned appearing counsel for the applicant and learned counsel appearing for the respondents.

2. The applicants who are in 103 numbers, have filed this application praying for the benefit of broad banding of the disability element of their pension, in terms of the decision of the Government of India dated 31.01.2001 and the judgment passed by the Hon'ble Supreme Court in Union of India & Ors vs. Ram Avtar, contending inter alia that though the applicants are entitled to the said benefit, the same has not been granted to them till date.

3. Though the respondents were granted a number of opportunities to verify the claim of the applicants, no such verification so far has been made and no counter has so far been filed.

4. Having regard to the claim of the applicant as noted above, we dispose of the OA with the following directions:-

(i) The respondents shall verify the claim of the applicants i.e. the percentage of disability/war injury as claimed by them (as stated in the list of applicants, with the percentage of their disability viz, Annexure A-1); within a period of eight weeks from today.

(ii) On such verification, if it is found that the applicants or any of them, are receiving the disability/war injury element of pension, the same shall be appropriately broad banded, pursuant to the Government's Notification dated 31.01.2001 read with the judgment of the Hon'ble Supreme Court in Ram Avtar (supra).

(iii) In case the applicants or any of them are found to be entitled to the same, they will be paid arrears for a period of three years preceding the date of filing of the OA which is 01.02.2016. Those applicants shall also be paid interest on the said arrear @ 9% from the aforesaid date till the date of payment.

(iv) The arrears along with the interest shall be paid within a period of three months from the date of receipt of copy of this order.

5. The OA is accordingly disposed of.

6. Learned counsel for the respondents has made an oral request for grant of leave to appeal before the Hon'ble Supreme Court. We find no question of law of general public importance involved in the matter to grant leave to appeal. Hence, the request for leave to appeal before the Hon'ble Supreme Court is rejected.

(B.P. KATAKEY)
OFFG CHAIRPERSON

(SANJIV LANGER)
MEMBER