

F.No.3(11)2010-D(Pen/Legal)-Pt V  
Ministry of Defence  
Department of Ex-Servicemen Welfare  
D (Pension/Legal)  
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New Delhi, 18<sup>th</sup> April, 2016

To

Chief of the Army Staff  
Chief of the Naval Staff  
Chief of the Air Staff

Subject: - Broad Banding of Disability Element in respect of Armed Forces personnel retired/discharged on completion of terms of engagement with disability aggravated by or attributable to Military Service - Implementation - of Court/AFTs orders.

The Hon'ble Supreme Court vide order dated 10.12.2014 dismissed more than 800 Civil Appeals tagged with Civil Appeal No. 418 of 2012 filed by the Union of India Vs Ram Avtar challenging grant of broad banding of disability element by AFTs to Armed Force Personnel other than "invalided out" from service. The Hon'ble Supreme Court ruled that an Armed Force Personnel retired on completion of tenure with disability aggravated by or attributable to Military Service is eligible for broad banding of Disability Pension/Element.

2. The matter of implementing Hon'ble Apex Court judgment dated 10.12.014 in case of Civil Appeal No. 418 of 2012 was taken up with Department of Expenditure, Ministry of Finance for consideration. Department of Expenditure, Ministry of Finance has agreed to implement orders of the Courts on the matter of broad banding of disability element in the case of personnel who are retained in service till normal retirement. Accordingly, approval of Competent Authority is hereby conveyed for implementation of Court/AFTs orders granting broad banding of disability element to an Armed Force Personnel retired or discharged on completion of terms of engagement with disability aggravated by or attributable to Military Service from the date mentioned in respective court orders.

3. This issues with concurrence of MoD (Fin/Pen) vide u.o. No 711/Fin/Pen dated 12.04.2016.

  
(R. K. Verma)

Under Secretary to the Govt. of India

Tel:- 2301 5650

Copy to:-

1. FA (DS)
2. Deptt. of Expenditure (EV) - w.r.t. their ID No. 50/EV/2016 dated 22.03.2016
3. AFA (Pension) MoD Fin/Pen,
4. CGDA, Ulan Batar Road, Delhi Cantt., New Delhi
5. PCDA (P), Draupadi Ghat, Allahabad
6. Director, AG/PS-4(L)
7. Director, DAV (Legal Cell)
8. Director, PDPA (Navy)
9. US(Pen/Pol)