CIVIL A

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 418 OF 2012

UNION OF INDIA AND ORS.

... APPELLANT(S)

VERSUS

RAM AVTAR

...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2335 OF 2009

CIVIL APPEAL NO. 2336 OF 2009

CIVIL APPEAL NO. 3637 OF 2010

CIVIL APPEAL NO. 419 OF 2012

CIVIL APPEAL NO. 420 OF 2012

CIVIL APPEAL NO. 421 OF 2012

CIVIL APPEAL NO. 2258 OF 2012

CIVIL APPEAL NO. 2284 OF 2012

CIVIL APPEAL NO. 2285 OF 2012

SPECIAL LEAVE PETITION (CIVIL) NO. 2288 OF 2012

CIVIL APPEAL NO. 2853 OF 2012

CIVIL APPEAL NO. 2854 OF 2012

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Ramana Venkata Ganti Date: 2014.12.15 17:17:14 IST

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CRIMINAL APPEAL NO.645/2013

CIVIL APPEAL NO. 4147 OF 2012

CIVIL APPEAL NO. 4214 OF 2012

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CIVIL APPEAL NO. 9862 OF 2013

CIVIL APPEAL NO. 35 OF 2014

ORDER

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.

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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 Government of India, dated Defence, 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.

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- 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.

Ordered accordingly.

 (H.L.	DATTU)
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NEW DELHI;

DECEMBER 10, 2014.

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ITEM NO.1
                                                   SECTION XVII
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                                     VERSUS
  RAM AVTAR
                                                      Respondent(s)
  WITH C.A. No. 2335/2009
  (with office report)
  C.A. No. 2336/2009
  (With Interim Relief and Office Report)
  C.A. No. 3637/2010
  (with office report)
   C.A. No. 419/2012
  (With Office Report)
  C.A. No. 420/2012
  (With Office Report)
  C.A. No. 421/2012
  (With Office Report)
  C.A. No. 2258/2012
  (With appln.(s) for early hearing and appln.(s) for directions and
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- C.A. No. 3673/2012 (With Office Report)
- C.A. No. 4147/2012 (With Office Report)
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- C.A. No. 4583/2012
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 - C.A. No. 7834/2013 (With Office Report)
 - C.A. No. 7897/2013 (With Office Report)
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(With Office Report)
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C.A. No. 7457/2014

(With appln.(s) for condonation of delay in filing appeal. and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for stay and Office Report)

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C.A. No. 7458/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for stay and appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 8035/2014

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C.A. No. 8045/2014

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C.A. No. 8046/2014

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C.A. No. 8047/2014

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C.A. No. 8048/2014

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C.A. No. 8049/2014

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C.A. No. 8050/2014

(With appln.(s) for stay and appln.(s) for c/delay in re-filing appeal and appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 8051/2014

(With appln.(s) for stay and appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 8052/2014

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C.A. No. 8053/2014

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C.A. No. 8054/2014

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C.A. No. 8580/2014

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C.A. No. 8585/2014

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C.A. No. 9333/2014

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C.A. No. 9334/2014

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C.A. No. 9337/2014

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C.A. No. 9348/2014

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C.A. D 16164/2014

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C.A. No. 9343/2014

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C.A. No. 9518/2014

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C.A. No. 10741/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. No. 10738/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. No. 10736/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. No. 10732/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. No. 10744/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) 88 C.A. No. 10742/2014 (With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report) C.A. No. 10728/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. No. 9326/2014 (With appln.(s) for stay and Office Report) C.A. No. 10737/2014 (With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report) C.A. No. 10739/2014 (With appln.(s Office Report) (With appln.(s) for condonation of delay in filing appeal. and C.A. No. 10748/2014 (With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report) C.A. D 6204/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. D 6043/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. D 6775/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. D 6044/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report) C.A. D 5910/2014 (With appln.(s) for may refer to remarks and Office Report) C.A. D 34625/2013 (With appln.(s) for may refer to remarks and Office Report) C.A. D 6774/2014 (With appln.(s) for may refer to remarks and Office Report)

C.A. D 33481/2013 (With appln.(s) for condonation of delay in filing appeal. and appln.(s) for c/delay in re-filing appeal and Office Report)

C.A. D 6051/2014

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C.A. D 40570/2013

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C.A. D 6933/2014

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C.A. D 6935/2014

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C.A. D 7989/2014

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C.A. D 5926/2014

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C.A. D 6772/2014

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C.A. D 30949/2014

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(With appln.(s) for condonation of delay in filing appeal. and Office Report)

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C.A. D 35696/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37321/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 29329/2014

(With appln.(s) for c/delay in re-filing appeal and appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37874/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 32084/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. D 35695/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 32783/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37857/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 36537/2014 (With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 38702/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 10491/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 38201/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37888/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. D 35126/2014

(With appln.(s) for condonation of delay in filing appeal. and Interim Relief and Office Report)

C.A. D 37851/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37862/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37861/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 37289/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 6055/2014

(With Office Report)

C.A. No. 10722/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 8034/2014

(With appln.(s) for stay and appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. D 29320/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 5121/2013

(With appln.(s) for may refer to remarks and appln.(s) for stay and Office Report)

C.A. No. 4439/2014

(With Office Report)

C.A. No. 9861/2013

(With appln.(s) for may refer to remarks and appln.(s) for stay and Office Report)

C.A. D 12411/2014 (With appln.(s) for stay and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for c/delay in re-filing appeal and appln.(s) for condonation of delay in filing appeal. and appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. D 8577/2014

(With appln.(s) for may refer to remarks and Office Report)

C.A. D 18237/2014

(With appln.(s) for c/delay and appln.(s) for stay and appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. D 26622/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 10806/2013

(With appln.(s) for stay and appln.(s) for may refer to remarks and Office Report)

C.A. D 27151/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A.D 36261/2013

(With appln.(s) for c/delay in filing appeal and office report)

C.A.D. NO.6041/2014

(With appln.(s) for c/delay in filing appeal and office report)

C.A. D 26320/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 6489/2014 (With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. D 24622/2014

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 10953/2013

(With appln.(s) for stay and appln.(s) for may refer to remarks and Office Report)

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C.A. No. 6468/2014

(With appln.(s) for stay and appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 2334/2009

(With Interim Relief and Office Report)

C.A. D 36535/2014

(With appln.(s) for condonation of delay in filing appeal. and Office Report)

C.A. No. 932/2014

(With Office Report)

C.A. No. 937/2014

(With Office Report)

C.A. No. 6504/2014

(With appln.(s) for stay and appln.(s) for leave to appeal u/s

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31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 6510/2014
(With appln.(s) for stay and appln.(s) for leave to appeal u/s
31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 8029/2014
(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 8167/2014
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(With appln.(s) for stay and appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

C.A. No. 9862/2013

(With appln.(s) for may refer to remarks and Office Report)

C.A. No. 35/2014

Date: 10/12/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE MADAN B. LOKUR HON'BLE MR. JUSTICE A.K. SIKRI

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For Appellant(s)

Mr.P.S.Patwalia, ASG Ms. Vibha Datta Makhija, Sr. Adv. Dr. Fancis Julian, Adv. Mr.R.Balasubramanian, Adv. Ms.Meenakshi Grover, Adv. Mr.Abhinav Mukerji, Adv. Mrs. Anil Katiyar, Adv. Ms.Binu Tamta, Adv. Mr. B. V. Balaram Das,Adv. Mr. D. S. Mahra, Adv. Mr.Rajat Singh, Adv. Mr. Archit Upadhyay, Adv. Ms. Natasha Vinayak, Adv. Mr.Gaurav Sharma, Adv. Mr.M.P.S.Tomar, Adv. Mr.R.K.Varma, Adv.

Mr. Rakesh Dahiya,Adv. Mr.Satyavan Kudalwal, Adv. Mr.Aditya Jain, Adv. Mr.R.S.Kalkal, Adv.

Mr. Sudhanshu S. Choudhari, Adv.

Mr. Lalit Kumar Poddar, Adv.

For Respondent(s)

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Ms.Archana Ramesh, Adv.

Mr. Vibhuti Sharma, Adv.

Dr. Kailash Chand, Adv.

Respondent-in-person.

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Mr.B.S.Saigal, Adv.

Ms.Sarbani Kar, Adv.

Mr.Rajat Sharma, Adv.

Mr.Dinesh Verma, Adv.

Mr.Balraj Rathee, Adv.

Mr. Subhasish Bhowmick, Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. Atul Kumar, Adv.

Mr.Sanchar Anand, Adv.

Mr. Apoorv Singhal, Adv.

Mr. Devendra Singh, Adv.

Mr. Satish Kumar, Adv.

Ms. Suruchii Aggarwal, Adv.

Mr. Farrukh Rasheed, Adv.

Mr.Ganesh Kumar Sharma, Adv.

Mr.Siddharth Mittal, Adv.

Mr.K.Singhal, Adv.

For Mr. S. K. Sabharwal, Adv.

Mr.D.K.Thakur, Adv.

Ms. Manju Jetley, Adv.

Mr.Jagdev Singh Manhas, Adv.

UPON hearing the counsel the Court made the following ORDER

Delay, if any, in filing and refiling the appeal(s) is

condoned.

We have heard learned counsel for the parties to the

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The matters are of terms of the signed order.

This is a True Copy of the court reco The matters are dismissed with no order as to costs, in (G.V.Ramana)

Court Master

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(Vinod Kulvi) Asstt.Registrar

(Signed order is placed on the file)