

ARMED FORCES TRIBUNAL, REGIONAL BENCH, CHENNAI

O.A.No. 11 of 2013  
and  
M.A.No.66 of 2012  
in  
O.A.No.10 of 2012

Thursday, the 25<sup>th</sup> day of July 2013

THE HONOURABLE JUSTICE V. PERIYA KARUPPIAH  
(MEMBER-JUDICIAL)  
AND  
THE HONOURABLE LT GEN (RETD) ANAND MOHAN VERMA  
(MEMBER – ADMINISTRATIVE)

Hav/Instr. Mohan Kumar  
HQ 54, Artillery Brigade Camp  
Secunderabad, Andhra Pradesh.

.. Applicant in O.A.11 of 2013/  
Respondent in M.A. No.66 of  
2012 in O.A.10 of 2012

By Legal Practitioner:  
Mr. M. Selvaraj

vs.

The Union of India, rep. by  
The Additional Directorate of General  
Army Education, DGMT Branch  
Integrated Head Quarter of  
Ministry of Defence (Army)  
New Delhi-110001.

2. Officer in-charge Records  
Sena Shiksha Corps, Abhilekh Karyalaya  
Army Educational Corps Records  
Pin 908777.

3. The Officer Commanding Troops  
HQ 54, Artillery Brigade Camp  
Pin 926954, C/O 56 APO

..Respondents-1 to 3 in  
O.A.11 of 2013 & Applicants-1  
to 3 in M.A.66 of 2012 in  
O.A.10 of 2012

4. President Medical Board  
Base Hospital, Delhi Cantt.  
Pin 110 010.

5. The Officer Commanding  
120 Engineer Regiment  
Pin 914 120  
C/O 56 APO.

..Respondents-4 & 5 in  
O.A.No.11 of 2013

By Mr.B. Shanthakumar, SPC

### **COMMON ORDER**

(Common Order of the Tribunal made by  
Hon'ble Lt Gen (Retd) Anand Mohan Verma,  
Member-Administrative)

#### **O.A.No.11 of 2013**

1. For the purpose of convenience, the applicant in O.A.No.11 of 2013 will be referred as 'petitioner' in the order, hereinafter. This application has been filed by the petitioner seeking relief to quash the opinion of the Review Appeal Medical Board dated 9<sup>th</sup> April 2012 and AEC Records Letter No.CA1/MRO/03/2011, dated 3<sup>rd</sup> September 2011.

M.A.No.66 of 2012 in O.A.No.10 of 2012

2. This application has been filed by the respondents seeking appropriate order to enable the Army authorities to proceed with the case as per rules and regulations on the subject matter in O.A.No.10 of 2012 as per the order of this Tribunal dated 13<sup>th</sup> February 2012.

3. The facts of the case are that the petitioner was enrolled in Army Education Corps (AEC) on 27<sup>th</sup> September 1991. He was placed in Low Medical Category S3 (Temporary) for 6 months with effect from 4<sup>th</sup> December 2008 due to "*Schizo Affective Disorder Manic Type (F 25-O)*". He remained in Temporary Low Medical Category till 4<sup>th</sup> November 2009. Thereafter, he was upgraded to S2 (Temporary) and was finally placed in Low Medical Category S2 (Permanent) on 6<sup>th</sup> October 2010. AEC Records issued instructions for his discharge from service vide its letter dated 3<sup>rd</sup> September 2011 on the grounds of non-availability of sheltered appointment. The petitioner challenged this order in O.A.No.10 of 2012 in which this Tribunal passed an order on 13<sup>th</sup> February 2011 closing the application with liberty to challenge the Medical Board opinion before a Review Medical Board. Consequent to this order, a Review Appeal Medical Board was conducted which was finalised on 9<sup>th</sup> April 2012. Based on the opinion of this RAMB the respondents filed M.A.No.66 of 2012 in O.A.No.10 of 2012 praying for an order to enable the Army to proceed with the case as

per rules on the subject. This Tribunal heard O.A.No.11 of 2013 from 21<sup>st</sup> November 2012 onwards and linked it to the hearing of M.A.No.66 of 2012. During the hearing, *status quo* was ordered to be maintained on 13<sup>th</sup> March 2013 which continues till date.

4. The petitioner through his application and pleadings of the learned counsel Mr. M.Selvaraj would submit that while he was posted in Yol Camp in 2007 with 120 Engineer Regiment two JCOs and one NCO of the Unit threatened him with dire consequences if he did not sign a voucher that they had presented. Being disturbed by his threat, he requested for posting to some other Unit which was not considered favourably. He was admitted in MH Yol on 5<sup>th</sup> May 2008 and was discharged from the hospital on 12<sup>th</sup> May 2008 whereafter he was directed to proceed to the Unit which was in exercise area. En route to the exercise area, he got admitted in MH Jalandar on 16<sup>th</sup> May 2008 from where he was discharged on 26<sup>th</sup> May 2008. During this period, the 5<sup>th</sup> respondent issued "Apprehension Roll" declaring him a deserter. On discharge from the hospital, the petitioner argues that since he had been declared a deserter, he did not report to the Unit, but went to Delhi to meet ADGAE, Head of AEC. He was directed to report back to the Unit and he returned to 120 Engineer Regiment Unit on 29<sup>th</sup> May 2008. He was granted leave from 31<sup>st</sup> May 2008 to 14 June 2008 during which he was admitted in Government Medical College, Theni near Madurai from where he was transferred to CHAF, Bangalore. He would submit that he was initially

placed in Low Medical Category (Temporary) and then Permanent with effect from 6<sup>th</sup> October 2010. In the meantime, he was posted to Headquarters 54 Artillery Brigade on 2<sup>nd</sup> May 2011. The respondents' claimed that they did not have sheltered appointment for him, initiated discharge proceedings and he was brought before a Release Medical Board which finalised its proceedings on 10<sup>th</sup> December 2011. The petitioner would claim that the respondents cannot discharge him from service without Invaliding Medical Board in terms of Army Rule 13 (3) (III) and withdrawal of sheltered appointment is against the procedures and is violative of Article 21 of the Constitution of India. The Release Medical Board's opinion that the ID is not attributable to and not aggravated by service is incorrect as the disability occurred during service and therefore is attributable to service. He would claim that the Government Medical College in Theni diagnosed his disease as "Paranoid Schizophrenia" whereas the Psychiatrist in the Military Hospital has diagnosed his disease as "*Schizo Affective Disorder*". He would plead that the Medical Board failed to take note of the stations that he had served in and the old hospital medical records had not been considered. He would further claim that Col D. Bhattacharya Classified Specialist wrote in the Medical Board Proceedings that the disability is attributable to and aggravated by military service, yet the Medical Board disregarded the opinion of the Specialist. The petitioner would say that his term of

engagement expires on 30<sup>th</sup> September 2015 and requests that he be allowed to be retained in service till then.

5. In the Counter-affidavit, the respondents would submit that Army Rule 13 has been amended vide SRO 21, dated 23-29 May 2010. The amended Army Rule stipulates that a person having been found in Permanent Low Medical Category SHAPE 2/3 will be discharged from service on the recommendations of Release Medical Board, if no sheltered appointment is available in the Unit or he is surplus to the organization. In HQ 54 Artillery Brigade, it is stated by the Officer Commanding Troops, that there was no sheltered appointment for the petitioner in the Unit, whereafter he was despatched to AEC Regimental Centre. The AEC Regimental Centre also did not have sheltered appointment and consequently, approval of OIC Records was accorded to discharge him with effect from 25<sup>th</sup> February 2012. Following the order of the Tribunal in O.A.No.10 of 2012, a Review Appeal Medical Board was held which finalised its proceedings on 10<sup>th</sup> April 2012 and opined that the ID was neither attributable to nor aggravated by service. The allegations made by the petitioner against personnel of 120 Engineer Regiment has been investigated and found to be baseless. The petitioner did not follow the laid down channel when he sent his request for posting to some other Unit. However, his request was considered and his apprehensions were found to be imaginary. On 12<sup>th</sup> May 2008, the petitioner was sent to the exercise area. Without informing anyone in the

Unit or going into MI Room, he got admitted in MH Jalandar on 16<sup>th</sup> May 2008. Since the Unit did not know his whereabouts, they sent the Apprehension Roll. The petitioner was discharged from MH Jalandar on 26<sup>th</sup> May 2008, but instead of reporting to the Unit, he went to New Delhi and returned to the Unit only on 29<sup>th</sup> May 2008. The Commanding Officer was very considerate and gave him leave on 31<sup>st</sup> May 2008. During leave, he was admitted in the Government Medical College, Theni from where he was transferred to CHAF, Bangalore. Officer Commanding Troops HQ 54 Artillery Brigade has stated that no sheltered appointment can be provided to the petitioner adding that the individual is handicapped of carrying out any military duty due to his mental condition. A Disposal Order dated 3.9.2011 was issued by Records AEC in compliance of IHQ MoD (Army) Policy Letter No.B/10201/VOI.VI/MP-3(PBOR), dated 30<sup>th</sup> September, 2010. The respondents would submit that *Paranoid Schizophrenia* and *Schizo Affective Disorder, Manic Type* are separate names of the same disease. The petitioner served in Yol which is a peace station and no warlike or counter insurgency or extreme environmental condition prevailed in the stations that he has served in. The respondents would claim that the endorsement in Columns 12 and 13 of the Review Appeal Medical Board has been tampered with. They would submit that copies of the proceedings of the Medical Board were handed over to the petitioner while he was proceeding to Base Hospital, Delhi Cantonment to conduct of the Board. In the office copy of

the Board proceedings, Columns 12 and 13 are found to be blank. In any case the signature below Columns 12 and 13 are those of the Commanding Officer of the Unit and not by the Classified Psychiatrist and therefore, it is of no relevance. The respondents therefore would pray that the application be dismissed being devoid of merits and M.A.66 of 2012 in O.A.10 of 2012 be allowed.

6. Having heard both sides, the short point that needs to be determined is,

*Whether or not the petitioner is entitled to the relief he has asked for and consequently whether or not the respondents can proceed with the case as prayed for in M.A.66 of 2012 ?*

7. Admittedly, the petitioner was placed in Low Medical Category S2 (Permanent) on 6<sup>th</sup> October 2010 on account of *Schizo Affective Disorder Manic Type (F 25-O)* notwithstanding the diagnosis by the Government Medical College in Theni, the fact is that the two Medical Boards conducted by the respondents have diagnosed the ID as *Schizo Affective Disorder Manic Type*. We examined the Medical History of the petitioner when he was brought to the hospital in 2008. The then Wing Commander Amitabh Saxena, Classified Special (Psychiatry) endorsed the summary and opinion in the case and the relevant extracts are,



*" Opinion*

*This 38 years' old serving NCO (AEC/Hav/Edn Instr) with about 17 years' service having genetic loading for mental ailments is a case of Schizoaffective Disorder, Manic Type (F 25-O) who manifested with an insidious onset and progression of behavioural abnormalities. Mental Status Examination revealed increased psychomotor activity, irritability, posturing, second and third person command and commentary auditory hallucinations, delusions of persecution and infidelity, and deranged biodrives in a clear sensorium. He has responded well to therapy with a single class of SGAM along with mood stabiliser, and has no residual or negative features of the illness. He expresses keen motivation to continue in service. He has an unblemished service record, and this is his first contact with military psychiatry. He can, therefore, be retained in service under surveillance, subject to concurrence by Senior Advisor (Psychiatry). The NCO is, therefore, recommended:-*

- 1. To be placed in medical classification S3 (Temp) T-24 and review when due with fresh AFMSF-10 in triplicate from Unit CO.*
- 2. Not to consume alcohol/intoxicants in any form.*
- 3. To continue under supervision of AMA/RMO:-*
  - (a) Tab Olanzapine (10 mg) (OLEANZ-10) 1-0-2*
  - (b) Tab Carbamazepine (200 mg) CR (TEGRITAL) 1-1-2*
  - 1. Fortnightly review by AMA/RMO.*
  - 2. Monthly review at the nearest Psychiatry/Medical OPD.*
  - 3. Employability restrictions as per AO 3/2001. Fit for routine duties not involving severe physical and mental stress. Not to be posted to HAA (>2,700m), areas of CI Ops, actual/close combat. Not to be put on duties at isolated posts/picquets. Not to be put on night duties. Unfit to handle firearms with live ammunition. To*

*be posted to an area where nearby psychiatric facilities are available. Not to drive MT vehicles while taking psychotropic medications. To work under strict supervision with restricted responsibilities. "*

8. The Specialist opined that since he has unblemished service record, he can be retained in service under surveillance, subject to concurrence by Senior Advisor (Psychiatry). The Senior Advisor (Psychiatry), Colonel R.C. Das concurred with the opinion of the Wing Commander and noted that the petitioner is motivated to serve further. He was retained in service and was posted to HQ 54 Artillery Brigade in May 2011. HQ 54 Artillery Brigade did not confirm availability of sheltered appointment in the Unit and consequently, he was sent to AEC where till date he continues to perform the instructional duties. Since no sheltered appointment was available for the petitioner, OIC Records approved his discharge. The Minute Sheet approving the discharge is produced by the respondents which reads as follows:

**" DISPOSAL OF PERMANENT LMC PERSONNEL**

1. Refer to IHQ of MoD (Army) letter No B/10201/06-08/Vol-VI/MP-3(PBOR) dt 30 Sep 10 and B/10201/Vol-III/MP-3 dated 07 Feb 2011. (Flag A &B).
2. No 9511862P Hav/Instr Mohan Kumar of HQ 54 Arty Bde has been downgraded to low med cat S2(P)H1A1P1E1 wef 06 Oct 2010 and he is willing to continue in service in low med cat. However,

*Commanding Offr of the NCO has not recommended him for retention in service.*

*3. Procedure for disposal of permanent LMC personnel has been given at Para 10 to 13 of IHQ of MoD (Army) letter No B/10201/06-08/Vol-VI/MP-3(PBOR) dt 30 Sep 10 and as per Para 5 of ibid letter the retention in service.*

*(a) Availability of suitable alternative appt commensurate with their med cat.*

*(b) Such retention will not exceed the sanctioned str of the Corps.*

*3. One of guiding principles that should be considered by the CO and OIC Records for retention/disch of permit LMC pers SHAPE 2/3 factor is that he should have completed min 15 yrs pensionable service. In the case of above indl he has already completed 19 ½ yrs service (DOE-27 Sep 1991).*

*4. As per Para 7 and 12 of IHQ of MOD (Army letter under ref, permit LMC pers (Non Battle Case) willing to serve may be disch from service after approval of OIC Records. The indls will however be brought before an Invaliding/Release Med Bd as applicable and disch will be carried out as per laid down instrs.*

*5. As the OC Tps has also not provided sheltered appt to the NCO, it is recommended that approval of OIC Records to disch him from service be accorded.*

*6. In case, his discharge is approved, he will be SOS from the Army wef 2, Feb 2012 (AN), i.e., within six months from the date of approval as per the existing policy.*

*7. Appx "A" TO ROI 06/2000 is also placed opp for sigs of OIC Records, if approved pl.*

*(Vijay Ale)  
Lt Col  
Chief Record Officer  
Aug 2011"*

OIC Records (Initialled indicating approval)

9. Consequently, AEC Records issued Disposal Order vide its letter dated 3<sup>rd</sup> September 2011. The relevant extracts of this letter are,

*"2. On having been placed in permanent low medical category as well as non-availability of sheltered appointment in the unit/Corps, No 9511862P Hav/Instr Mohan Kumar of your fmn is hereby approved for Release Medical Board by the competent auth in accordance to Para 7 to 12 of IHQ of MoD (Army) letter under ref. The indl will be brought before Release Medical Board in terms of AO 3/89 and IHQ of MoD (Army) letter ref above imdt and his discharge on IAFY-1948A will be sanctioned by the OC Unit as advised by Release Medical Board on a date after the approval of Release Medical Board. The med auth will specifically be requested to accord 'TOP PRIORITY' to finalise the proceedings and words to this effect 'MEDICAL BOARD PRIOR TO DISCHARGE FROM SERVICE' will be typed/written in the covering letter as well as in documents.*

*3. The NCO will report to Depot Coy, AEC Trg College and Centre, Pachmarhi for disch drill on 05 Feb 2012 and will be disch from service wef 29 Feb 2012 (AN). Cause and clause of disch to be shown as under in the Discharge Roll (IAFY-1948Y) and other docu:-*

*" Under Item III (iii) (a) of Army Rule 13(3) 'on having been found to be in permt low med cat S2 (P) H1A1P1E1 by a medical bd and for whom no sheltered appointment is available in the Unit/Corps.*

*4. Please ensure that:-*

*(a) The NCO is served a 'Show Cause Notice' for his contemplated discharge and his reply in original to the Show Cause Notice is fwd along with the discharge documents to this office.*

*(b) Shelter appointment provided to the individual to be withdrawn and fresh appendix A to ROI 6/2000 will be initiated and fwd to Record office along with advance pension documents. "*

10. The petitioner filed O.A.10 of 2012 challenging his discharge order in which order was passed by this Tribunal on 13<sup>th</sup> February 2012. The operative portion reads,

*" Under such circumstances, this application is closed with a liberty to the applicant to challenge the opinion of the Medical Board, AFMSF-16, dated 26<sup>th</sup> October 2011 before the Review Medical Board, and thereafter, to approach this Tribunal. Time two months. If the applicant approaches the respondents with an application for Review Medical Board, the respondents are directed to constitute the same within two months thereafter. Status quo to be maintained till the Review Medical Board's opinion is given. No costs. "*

11. The RAMB was conducted which finalised its proceedings on 10<sup>th</sup> April 2012. The RAMB gave its opinion as follows:

*" No history of Trauma/infection preceding to the onset of ID. These are no service related cause hence not attributable to military service. Onset of ID in May 2008 while serving in peace area and continued to service in peace from onset of ID till date, i.e., there is no close time association with service in Field/CI Ops/HAA hence ID conceded as neither attributable to nor aggravated by military service. Para-54 chapter-VI of guide to Medical Officers Military Pension-2002 and amendment-2008 refers."*

The Psychiatrist gave his opinion as follows:

" Disability: Schizoaffective disorder, manic type (F 25, Z 09)

Reason for review: 40 years old NCO (Hav/AEC); identified by the identification marks mentioned in AFMSF-16 (ver 2006). A case of Schizoaffective Disorder, manic type; RMB held at MH Secunderabad on 10 Dec 2011. He was awarded 40% disability for life, not attributable, not aggravated. Had appealed against the decision and has now reported for review medical board vide AFT Chennai order dated 13 Feb 2012. Sanctions for holding Medical Board on court order issued vide Office of the DGAFMS letter No 16050/AMB/DGAFMS/MA (Pens) dated 12 Mar 2012.

History of illness: On perusal of old medical documents and sheet roll, indl was serving in Yol Cantt since Oct 2005 for abnormal behaviour of unprovoked aggression, aimless wandering, sleep disturbance and impaired social performance. Detailed history revealed him to be symptomatic for the previous six months with gradual onset and progressive course. His interaction with family members was minimal and his was not having his meals properly. There was no history of substance abuse, or contributory General medical condition. **History of maternal uncle committing DSH following prolonged mental illness.** Physical examination was normal. Psychiatric evaluation and ward observations revealed increased psychomotor activity, irritability, posturing, auditory hallucination (2<sup>nd</sup> and 3<sup>rd</sup> person command & commentary type), delusions of persecution & infidelity and deranged biodrives in clear sensorium. All relevant investigations including CT scan brain were normal. He was managed as a case of Schizoaffective Disorder manic type and treated with atypical antipsychotics, mood stabilizer and other supportive measures. He was retained in LMC wef 04 Dec 2008 with medication after favourable response to treatment and concurrence by senior advisor in psychiatry.

(Emphasis by us)

*Subsequent reviews (Jun/Nov 2009, May/Nov 2010) revealed a relapse free course, and satisfactory performance. His maintenance medications were optimized during OPD follow up and were discontinued in Oct 2010.*

*He has maintained remission since then without medication.*

*RMB held at MH Secunderabad on 10 Dec 2011 vide AEC records letter CA1/MRO/03/2011 dated 19 Sep 2011; psychiatrically he had maintained remission without medicine.*

*Current status: Following his RMB he reported to have been symptom free. Able to perform his assigned task satisfactorily. Has been able to take care of himself and able to communicate with others. Presently denied any psychotic/mood symptoms.*

*On examination, Ht-169 cm, Wt-68 kg; Temp-98.6F; Pulse-84/min; BP-110/88 mmHg; Respiratory Rate-20/min. Systematic examination essentially normal. Psychiatric evaluation revealed him to be kept, with normal PMA, relevant speech, appropriate affect, no psychotic/manic features in a clear sensorium and normal biodrives. Serial mental examination and ward observation did not reveal any abnormality or oddities in behaviour.*

*Individual a diagnosed case of Schizoaffective disorder, manic type (F 25, Z09), currently in remission without medication. He can look after himself and his family, able to communicate well and currently employed.*

*Col D Bhattacharyya  
CI Spl (Psychiatry)  
BH Delhi Cantt. -10"*

The RAMB held that the disablement was 40% for life and it was not attributable to or aggravated by military service. Now we turn to the Policy Letter on Disposal of Permanent Low Medical Category Personnel issued, vide ADGMP, No.b/10201/Vol-VI/MP-3(PBOR), dated 30<sup>th</sup> September 2010. The relevant extracts are,

*" Sheltered Appointments:*

*5. Army Order 46/80 lays down instructions for disposal of permanent LMC personnel. The retention of such personnel is now subject to the following conditions:-*

*(a) Availability of suitable alternative appointments commensurate with their medical category.*

*(b) Such retention will not exceed the sanctioned strength of the Regiment/Corps.*

*6. Guiding Principles: The guiding principles that should be considered by the Commanding Officers and OIC Records for retention/discharge of permanent LMC personnel are as under:-*

*(a) All endeavour should be made to allow such personnel to complete their minimum pensionable service in their present rank as under.*

*(i) Personnel in SHAPE 5: The minimum period of qualifying service actually rendered and required for an invalid pension is 10 years.*

*(ii) Personnel in SHAPE 2/3: The minimum period of qualifying service actually rendered and required for earning service pension will be 15 years (Auth-Para 5.1.2 of MoD, Department of Ex Servicemen welfare letter No 17(4)/2008(2)/U(Pen/Pol) dated 12 November 2008).*



*(b) Take into consideration the nature of disability and capability of the individual to look after himself outside the service and the need to continue treatment at Services Hospitals which may not be located in the vicinity of the individuals home station.*

#### *Sanctioning Authorities*

*7. Under the provisions of Army Rule 13, as amended based on recommendations of the Release Medical Board/Invaliding Medical Board as applicable, the Commanding Officer is the competent authority to sanction discharge of JCO/OR who are in SHAPE 2/3 or have been found to be unfit for further service ie in SHAPE 5. In the existing circumstances the sanctioning authority would rest with the Commanding Officer, who would obtain the approval of following authorities prior to sanction of actual discharge:-*

- (a) Battle Casualties (Willing to Serve) - Head of Arm/Service*
- (b) Battle Casualties (Unwilling to Serve) - OIC Records*
- (c) Non-Battle Casualties (Willing to Serve) - OIC Records*
- (d) Non-Battle Casualties (Unwilling to Serve) - OIC Records*

#### *Procedure*

*10. Authority: Under the authority of Army Rule 13 as amended vide SRO 22 dated 13 May 2010, the discharge of permanent LMC personnel below officer rank may be sanctioned as under:-*

<i>Ser No</i>	<i>Medical Category of PBOR</i>	<i>Competent Medical Board to Recommend Discharge</i>	<i>Sanctioning Authority</i>	<i>Remarks</i>
<i>(a)</i>	<i>SHAPE 2/3</i>	<i>Release Medical Board</i>	<i>Commanding Officer</i>	<i>Approval of the Authority given in Para 7 above to be obtained prior to sanction of actual discharge</i>
<i>(b)</i>	<i>SHAPE 5</i>	<i>Invaliding Medical Board</i>	<i>Commanding Officer</i>	

12. So, we find that on the basis of the opinion of the two Medical Boards and the fact that no sheltered appointment is available, there is no infirmity in the action initiated by the respondents to discharge the petitioner under the provisions of the Policy Letter dated 30<sup>th</sup> September 2010. Here it would be pertinent to refer to AEC Training College & Centre letter No.30061/Dlisch/Tith dated 02 July 2013 which reads,

*" 2. Since Army Educational Corps is a combatant Corps, its personnel are to perform all military duties. They are soldier first and instructor later. Due to medical restrictions the individual is not capable of performing the military duties of a soldier, such as Map Reading (out door), Guard/Guard Commander (day & night), Weapon Training, Battle Physical Training, Physical Preparation Training, drill and games duties hence incapable.*

*3. As regards duties being performed by the NCO presently, these are just academic in nature such as teaching in the class, invigilation, evaluation of the answer sheets and assisting in organizing the academic competitions such as quiz, debate etc. "*

13. Therefore, the point with regard to the relief asked for by the petitioner is answered accordingly against him and consequently, the respondents can proceed with the case, in accordance with the existing rules.

14. The petitioner was enrolled on 27<sup>th</sup> September 1991 and therefore, he is entitled to service pension in terms of Para-132 of Pension Regulations for the Army. Since his disability is not attributable to or aggravated by service, he is entitled to invalid pension under the provisions of Paras-197 and 198 of the Pension Regulations for the Army.

15. In fine, main O.A.No.11 of 2013 is dismissed with directions to the respondents to grant service pension and invalid pension to the petitioner as and when he is discharged from service. Consequently, M.A.66 of 2012 in O.A.No.10 of 2012 is allowed. Status quo order passed by this Tribunal is hereby vacated. No costs.

Sd/  
LT GEN (Retd) ANAND MOHAN VERMA  
MEMBER (ADMINISTRATIVE)

Sd/  
JUSTICE V. PERIYA KARUPPIAH  
MEMBER (JUDICIAL)

**25.07.2013**  
**(True copy)**

Member (J) – Index : Yes / No  
Member (A) – Index : Yes / No

Internet : Yes / No  
Internet : Yes / No

Vs

To:

1. The Additional Directorate of General Army Education, DGMT Branch  
Integrated Head Quarter of  
Ministry of Defence (Army)  
New Delhi-110001.
2. Officer in-charge Records  
Sena Shiksha Corps, Abhilekh Karyalaya  
Army Educational Corps Records  
Pin 908777.
3. The Officer Commanding Troops  
HQ 54, Artillery Brigade Camp  
Pin 926954, C/O 56 APO
4. President Medical Board  
Base Hospital, Delhi Cantt.  
Pin 110 010.
5. The Officer Commanding  
120 Engineer Regiment  
Pin 914 120  
C/O 56 APO.
6. Mr. M.Selvaraj,  
Counsel for Applicant
7. Mr. B.Shanthakumar,  
Counsel for Respondents
8. OIC, Legal Cell, ATNK & K Area  
Chennai.
9. Librarian, AFT, Regional Bench Chennai.

HON'BLE JUSTICE V. PERIYA KARUPPIAH  
(MEMBER-JUDICIAL)  
AND  
HON'BLE LT GEN (RETD) ANAND MOHAN VERMA  
(MEMBER – ADMINISTRATIVE)

O.A.No. 11 of 2013  
and  
M.A.No.66 of 2012  
in  
O.A.No.10 of 2012

Dt: 25.07.2013