

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT
NEW DELHI**

TA No.256/2009
[W.P.(C) 9389/06 of Delhi High Court]

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Smt Prem KumariPetitioner

Versus

Union of India & OthersRespondents

For petitioner: Sh.Rajpal Kasana and Sh.Nagendra Kasana,
Advocates

For respondents: Dr.Ashwani Bhardwaj, Advocate

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON
HON'BLE LT. GEN. M.L. NAIDU, MEMBER**

**ORDER
27.11.2009**

1. Petitioner by this writ petition has prayed that respondents may be directed to pay the disability pension to the petitioner as per rules.

2. This writ petition has been filed wife of deceased incumbent who was enrolled in Indian Air Force on 10.02.1962 as Combatant Member. After serving 33 years of service, he was boarded out on completion of retirement. But he had brain tumour

which proved fatal. Therefore, wife of the deceased filed this writ petition.

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3. The Medical Board has declined and we do not think that petitioner be given disability pension since brain tumour has nothing to do with the military service. Therefore, authorities have rightly approached the matter. However, petitioner is already getting family pension after death of her husband. Hence, there is no merit in the petition. Same is dismissed.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
November 27, 2009