

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

O.A. No. 180/2010

Ex-Sigmn Krishan Kumar

.....Applicant

Versus

Union of India & Others

.....Respondents

For applicant : Sh.A.K. Trivedi, Advocate.

For respondents: Sh.Ankur Chibber, Advocate with Capt
Alifa Akbar.

CORAM:

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

**ORDER
30.07.2010**

1. Applicant by this petition has prayed to declare the action of respondents declining him the disability pension with effect from 01.10.2005, as illegal and arbitrary. It is also prayed that he may be granted disability pension for the intervening period from the date of his discharge i.e. from 01.10.2005 to 13.01.2008 with interest @12% per annum. Thereafter,

respondents started paying to him disability pension @50% for life as recommended by the Appellate Medical Board.

2. Brief facts which are necessary for the disposal of present petition are that applicant was enrolled in the Indian Army on 27.09.2000 as a Sepoy Signaller and he was allotted service number as 15669874-H. At the time of recruitment, no abnormality was found. While posted to CIOPS area, he fell sick due to stress and strenuous duties and he was hospitalised in military hospital for treatment. The Doctors diagnosed that he is suffering from 'Affective Psychosis'. Therefore, he was invalided out of service on 01.10.2005 but the Doctors said his disability is not aggravated by military service and disability pension was denied to him. He filed an appeal before the Appellate Authority and the Appellate Authority found that he is suffering from 'Psychozosis' and 'Psoriasis' and assessed 20% disability for each disability i.e. in total 40% disability for life. On the basis of recommendations of Appellate Medical Board, he was granted 50% disability pension with effect from 14.01.2008 for life, however, he was denied disability pension from 01.10.2005 till

13.01.2008. Therefore, he was driven to file the present petition before this Tribunal praying that he should be granted disability pension for the intervening period from 01.10.2005 till 13.01.2008 as Appellate Medical Board assessed disability 50% for life.

3. No reply was filed by the respondents. However, learned counsel for respondents has placed before us the original record for perusal.

4. We have gone through the recommendations of Medical Boards i.e. Medical Board held in the year 2005, 2007 and 2008. We are satisfied that in fact the Appellate Medical Board has found that applicant's disability is aggravated by the stress and strain of military service and accordingly, recommended disability pension to the applicant overruling the earlier Medical Board findings. Since the Appellate Medical Board has found that applicant's disability is on account stress and strain of military service, therefore, there is no reason why he should not have been awarded the disability pension from the date of his discharge.

5. Accordingly, we allow this petition and respondents are directed to pay the disability pension to the applicant for the period from 01.10.2005 to 13.01.2008. The arrears shall be worked out and same shall be released to the applicant with 12% per annum. This whole exercise should be done within 3 months from today. No costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
July 30, 2010.