O.A. NO. 182/2010

10.11.2010

Present: Sh. S.R. Kalkal, Advocate proxy for A.K. Trivedi, Advocate, counsel
              for the petitioner
              Sh. Capt Alifa Akbar, Advocate, counsel for the respondent

The petitioner by this petition has limited prayer that the petitioner should be

given disability pension from the date of discharge 11.8.2000 and not from 20.2.2006.

He was invalided by Invalided Medical Board and was discharged on 11.8.2000 with

40% disability 'Schizophernia' which is attributable to military service.

The disability pension was rejected by PCDA on ground that the disability is

neither attributable to nor aggravated by military service. On the representation of

the petitioner Appellate Medical Board was convened and examined the petitioner on

20.2.2006. The Appellate Medical Board granted disability pension from 20.2.2006

but denied to grant the disability pension from the date of discharge that is from

11.8.2000.

The petitioner in his submission has prayed for grant of disability pension for

the period 11.8.2000 to 19.2.2006 with 12 % interest.

We fail to understand why disability pension was denied from 11.8.2000 when

he was suffering from date of discharge. This disability was attributable to military
                                                                    Board
service and he was invalidated from 11.8.2000. When Appellate medical reversed the

finding of original medical Board then the order of appellate medical board shall prevail. The order of appellate medical board shall be substituted for the original medical board and incumbent shall be entitled to benefit from 11.8.2000 ie the date of discharge. We fail to understand the rational in denying the benefit from 11.8.2000. The reasoning given is utterly unacceptable.

He is entitled to disability pension from original discharge from 11.8.2000 till he was granted disability pension from 19.2.2006. The arrears will be worked out and would be paid with 12 % interest within 3 months.

Accordingly the petition is allowed no orders as to costs.

'A.K. MATHUR
(Chairperson)

' M.L. NAIDU
(Member)

New Delhi
November 10, 2010