

O.A. No. 186/2010

28.10.2010

Present: Sh. R.S. Dhull, Advocate, counsel for the applicant.

Sh. Anil Gautam, Advocate, proxy counsel for Sh. Mohan Kumar,
Advocate, counsel for the respondents.

Applicant by this petition has prayed that he may be allowed service element of pension as done by this Tribunal in the matter of Ex. Rect. Ishwar Madhav Kamble vs. Union of India and as per Army Pension Regulation 173 (A), Medical Regulation para 423 and as per the Fifth Pay Commission Report.

Applicant was enrolled in the Army for a period of two years and 26 days from 21.02.1997 to 17.03.1999. Thereafter he was declared unfit for further service. It is alleged that applicant was examined by the Release Medical Board and the Medical Board found his disability to the extent of 40% but it is not attributed or aggravated by the Military service. Applicant was suffering from Neurosis. Accordingly, his case for grant of pension was rejected.

Reply was filed by the respondents and respondents have pointed out that the Medical Board did not find that Neurosis was attributable or aggravated by the Military service. Respondents have placed before us the original record and we have gone through the report of classified Specialist in Psychiatry Lt. Col. S.K. Mayanil. He has given case history of the incumbent as well as his family history and pointed out that this has been due to uncompromising attitude of applicant

and all the time he tried to give the impression of aggrieved innocence being harassed by seniors and his family history is also disturbed. Therefore, Neurosis which he has developed is not attributed or aggravated by the service. In view of this, Medical Report given by the Authorities, there is no reason for us to take contrary view of the matter. Hence, we are of the opinion that applicant was discharged from service on account of Neurosis which is not attributed or aggravated by the Military service. Consequently, petition is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
October 28, 2010