

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

T.A. No 187/09

WRIT PETITION (CIVIL) NO. 7016/09

Ex. Rect. Sunil Kumar

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner : Sh. Shesh Dutt Sharma Advocate.

For respondents: Sh. Mohan Kumar Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

ORDER

07.12.2010

The petitioner by this petition prays that on order dated 24.10.2006 discharging him from service & declining to grant the disability pension be set aside.

The petitioner was recruited as a cadet in Army Air defence and was diagnosed with "Grand Mal Seizures". He was discharged from service on 9 September 2005. He filed a petition before the Hon'ble High Court of Delhi and the Hon'ble Court directed that the case of petition may be re-examined by the Medical Board. Consequently medical board re-examine the petitioner and found that he had recurrent Seizures since 2002 prior to joining this service. But same came to medical attention following two episodes of general Seizures on 20th & 22nd June 2005. The last episode occurred during the hospitalization at MH Deolali. Appeal Medical Board held on 19.1.2009 found that petitioner was suffering this disability prior to recruitment and same could not be

detected. However this disability is not going to make him a good soldier and it is not attributable or aggravated by Military Service. In view of finding of Medical Board we ^{do not} ~~do~~ find any ground to interfere in this petition and same is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
December 07, 2010.