

T.A. No. 273/2010

[WP(C) No. 8084/2007 of Delhi High Court]

15.03.2010

Present: Sh. A.K. Trivedi, Advocate with Sh.V.K. Ojha, Advocate,  
counsel for the petitioner.

Sh.Ankur Chibber, Advocate, counsel for the respondents.

Heard learned counsel for parties.

The petitioner was given disability pension up to the year 1987. In the year 2002, he was said to be cured. Again in the year 2006, his disability assessed up to 30% for life and that his disability pension has been restored. Petitioner by this writ petition prays that his disability pension for the intervening period from 24.04.1987 to 03.08.2006 be granted to him. For this period learned counsel for respondents pointed out that intimation was sent to him but he did not respond. Petitioner says that he has not received any intimation. There is no reason to disbelieve what has been said by learned counsel for respondents that he has been informed and ~~consequently~~ even if petitioner has not received any intimation and if he really had a problem, he could have made a request for Resurvey Medical Board in the year 1987 which he did not do. He only requested in the year 2002. In the year 2002 the Resurvey Medical Board

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said that it was cured. Again the year 2006 he asked for Resurvey Medical Board and said Board assessed the disability upto 30% for life for which he is now getting the disability pension. For the period from 24.04.1987 to 03.08.2006, the petitioner is himself responsible for not requesting the Authorities for Resurvey Medical Board. Consequently, we do not find any merit in the petition. Same is dismissed with order as to costs.

**A.K. MATHUR**  
(Chairperson)

**M.L. NAIDU**  
(Member)

**New Delhi**  
**March 15, 2010**