

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

T.A. No. 314/2010

[W.P. (C) No. 1660/2007 of Delhi High Court]

Ishwar Singh

.....Petitioner

Versus

Union of India & Others

.....Respondents

For petitioner: Sh. Pratap Singh, 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
29.09.2010**

1. Present petition received on transfer from Hon'ble Delhi High Court to this Tribunal on its formation.
2. Petitioner by this petition has prayed that impugned order dated 03.05.2005 as intimated by DSC Records by their letter dated 06.06.2005 rejecting claim of the petitioner for payment of disability pension w.e.f. 31.12.2004 may be quashed.

3. Brief facts of the case are that petitioner was inducted in service as Sepoy on 20.12.1989. Before that he was thoroughly examined medically. While serving in DSC, he suffered from a disease of B/L Cataract due to long hours of duty in most uncongenial, inhospitable and polluted effected areas. Due to Cataract petitioner's both eyes were operated in Military Hospital at Meerut. His right eye was operated on 30.03.2002 and left eye was operated on 06.09.2003. Because of Cataract he was placed in low medical category E-3 (permanent). His disability as recommended by Medial Board was 30% (as per the latest policy 30% has to be treated as 50%). The Medical Board opined that the disease suffered by petitioner while in service was aggravated by Military Service. Therefore, he has been invalided out from service on medical ground on 31.12.2004. He asked for disability pension which was rejected. Hence, he has filed this petition before Hon'ble Delhi High Court which was transferred to this Tribunal for its disposal.

4. A reply was filed by respondents and respondents have pointed out that petitioner's disability has been assessed

less than 20% by the Medical Board and therefore, he is not entitled to disability pension.

5. We have examined the matter and found the disability of petitioner being less than 20%, therefore, he is not entitled to pension. He has already been released from service being discharged and he is already getting his service pension on the basis of putting minimum qualifying service. Consequently, we do not find any merit in the petition. Same is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

M.L. Naidu
(Member)

New Delhi
September 29, 2010.