

**T.A. 316/2010**  
**W.P. (C) 1576/2010**

**8.11.2010**

**Present:** Sh. Pratap Singh, Advocate Counsel for the petitioner.  
Sh. Mohan Kumar, Advocate, counsel for the respondent.

By this petition petitioner has prayed that the order dated 20.3.2008 be quashed whereby the payment of disability pension was rejected by CDA (P) Allahabad vide their letter dated 28.3.2004.

The medical board on 11.11.2002 had recommended the petitioner to be invalided out of service because of disability and the disability was not attributable to military service. The applicant represented against the decision and his representation was considered vide Army HQs letter dated 18.9.2006 and the petitioner was called to appear before Resurvey Medical Board. But, he refused to appear before this medical board. As the applicant has failed to appear before the resurvey medical board therefore there no ~~any~~ merit in petition and accordingly the application is dismissed. No orders as to cost.

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

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

**New Delhi**  
**November 08, 2010**