

T. A. No. 522/2010
[W.P. (C) No. 2386/2007]

12.08.2010

Present: None for the petitioner.

Sh. Mohan Kumar, Advocate, counsel for the respondents.

In this case, arguments were heard on 08.04.2010 and the order was reserved in view of the matter pending before Hon'ble Supreme Court. Now Hon'ble Supreme Court has already delivered judgment on 06.07.2010 in the case of ***Union of India & Others Vs. Ajay Wahi*** and in that case their Lordships have held as under :-

"We are of the opinion that an officer is entitled for disability pension only when he is invalided out of service on account of disability attributable to military service or aggravated thereby and shall not be entitled for disability pension in case of voluntary retirement, unless it is found and held that the officer deserved to be invalided out of service on account of disability attributable to military service but the same was not granted to him for unjustified reasons and forced to seek voluntary retirement."

In view of the decision delivered by Hon'ble Supreme Court, this petition is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

Z.U. SHAH
(Member)

New Delhi
August 12, 2010