

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

15.

O. A. No. 129 of 2011

Ex Sgmn Pradeep Kumar Sahu

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Anil Srivastava, Advocate.

For respondents: Sh. S.K Sethi, Advocate.

CORAM:

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

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

21.09.2011

1. Petitioner by this petition has prayed that medical documents including the Invaliding Medical Board proceedings may be called and quashed and to award disability pension including service element as well as disability element.
2. Petitioner had a bright and promising prospect as a young boy in the field of sports of Martial Arts and he was recruited in the Boys Company of Corps of Signals at Jabalpur (MP) in April 1996. After successfully completing his tenure with the Boys Company and having achieved the requisite educational qualification (i.e. 10th Class) and merit in the field of Boxing and Weightlifting he was enrolled in the Army as a Signalmn/MT/Dvr in the Corps of Signal on 1st January 2000. During 2002-2004 he was posted in 14 CESR difficult field station/High Altitude Area (Leh), where due to stress and strains of the service petitioner developed psychological problem like depression and anxiety. He was admitted to hospital from 5th September 2003 to 15th September 2003 and he was discharged as Shape-1. Once again during

June-August 2004 petitioner was admitted in hospital Chandimandir for psychiatric evaluation and finally was invalided out of service in S-5 category w.e.f. 26th August 2004. It is alleged that since he got category S-5 leading to his invalidation from the service aggravated by the service condition, petitioner is entitled for grant of disability pension. Thereafter a legal notice was issued by the counsel for the petitioner on 16th December 2010 and petitioner filed present petition before this Tribunal.

3. A reply was filed by the respondents and respondents in the reply pointed out that petitioner was invalided out from the service on the recommendations of the Medical Board. The Medical Board has not found that the disability is attributable to or aggravated by the military service. We have heard learned counsel for the parties and perused the record.

4. As per the petitioner he was discharged from service way back on 27th August 2004 and he took all his benefits of discharge and did not protest from 27th August 2004 till notice was issued and therefore the fact of matter is that the petitioner has accepted his discharge order and remained silent for more than six years and now he has filed a petition before us. We asked learned counsel for the petitioner to point out that soon after his discharge did petitioner make any protest against his discharge order. We have not found any material that petitioner made any protest till notice was issued by his counsel. Petitioner has already suffered the order and did not challenge for almost six years. Therefore this petition suffers from an inordinate delay and we cannot interfere in such matter at such a belated stage.

5. Learned counsel for the petitioner submitted that because of such medical discharge he will not be entitled to get any service in the civil employment. Whatever observations which have been made by the Medical Board shall not come in his way for the employment in civil service.

6. With these observations the petition is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
September 21, 2011
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