IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

04

O.A.No. 22 of 2010

Surg Capt Varinder Singh Bedi, NM .....**Petitioner**

Versus

Union of India & Ors. .....**Respondents**

For petitioner : Sh K Ramesh, advocate
For Respondents: Ms Jyoti Singh, advocate

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S. DHILLON, MEMBER.

ORDER
03.02.2011

The petitioner by the petition has prayed that the impugned orders dated 11.5.2009 and 05.06.2009 may be quashed by which his request for pre mature retirement was rejected. Petitioner commissioned in the year 1983 in the Indian Navy as a Medical officer. He was granted study leave for doing a super specialty course on Vascular Surgery from Bomay Hospital, Mumbai from July 1993 to July 1995.

During the period of study leave his father developed 'Severe Aortic Incompetence' and the applicant has faced a lot of difficulty and his mother was also suffering from Hypertension with coronary Artery Disease.

Therefore he made an application for premature retirement in the year 1996. That was rejected. Then again second time in 2005 for premature retirement that was also rejected by holding that reasons of parents illness is not a sufficient ground for retirement. Again in 2008 the applicant applied for premature retirement that too was rejected. Hence he has approached the Tribunal now for quashing order of declining premature retirement and release from service.

The respondents in their reply has pointed out that the petitioner specially is in the critical list therefore it is not possible to release the petitioner or give him pre mature retirement. The respondents have produced before us the file to show that his case was considered in great detail. The main plank in reply of respondent is that there is acute shortage in the medical specialty the vascular surgery services.

We have heard the learned counsel for the parties and perused the record.

It is admitted position that only 10 vascular surgeons are in the entire army at three centres one at Delhi, Pune and Bangalore and it is also admitted position that this special vascular surgery is a very important facility to service personnel. Question is whether persons who are trained at the cost of the army and who have long experience of working should such person be permitted to release specially on specious ground to look after his parents. It is true a loyal son owes duty to his parents. But at the same time he owes duty to nation and organisation wherein he has grown. Both duties can be combined together he can keep his parents wherever he is posted in hospital. He

being doctor himself and serving in same hospital a proper care can be taken. We fail to understand by seeking premature retirement how he will be serving his parents more rather he will be serving his own interest of getting more prosperous job in private hospitals. As this specialty is more sought after. Therefore we don't find any ground to interfere in the matter.

However, petitioner has submitted that he is likely to be promoted as Commodore and posted out of Delhi and he would not have chance to perform Vascular Surgery. It is for the respondent to see that how best his services can be utilised. We hope and trust that experienced such surgeon shall be properly utilised when Govt is not willing to release him. He be kept where facilities are available to perform such delicate surgery as far as possible so that his talent is not lost.

The petition is dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 3, 2011.