

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

2.

O. A. No. 316 of 2011

Manish Kumar

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh F.K Jha, Advocate

For Respondents: Ms. Sangeeta Tomar, Advocate

CORAM:

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

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

ORDER  
02.11.2011

1. The petitioner in this petition has prayed that the respondents be directed to grant him disability pension from the date of his discharge from service and to pay arrears of pension from the date of discharge, till realisation, along with 18% interest.
2. The petitioner was on annual leave from 17.9.2008 to 30.10.2008 while he was posted to Air Force Unit at 3003 Sqn. Jammu. While on leave, on 24.10.2008, at around 2.00 p.m, when he was going on a bike from Sitamarhi to Muzaffarpur (Bihar) for reserving ticket from Muzaffarpur to Jammu i.e. his place of posting, the petitioner met with an accident near Village Pitaujhia/Gopalpur, in which a Tata 407 Green Colour vehicle hit the petitioner's bike. The Tata 407 was being driven in a rash and negligent manner, without caring for the other road users and without following traffic rules. On account of the accident, his right leg was amputated and he was unable to walk without support. A first information report was lodged and ultimately the petitioner was discharged from service.

3. The petitioner has filed this petition seeking grant of disability pension. As per the medical report, his disability was not attributable to military service since the accident occurred when he was on leave. Consequently, disability pension was not granted, as the disability could not be attributed to military service. As the disability cannot be attributed to military service, he is not entitled to disability pension.

4. We, therefore, do not find any merit in this petition. The petition is dismissed, with no order as to costs.

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

**S.S DHILLON**  
(Member)

**New Delhi**  
**Nov 02, 2011**  
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