

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

10.

O. A. No. 38 of 2011

Nandjee Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Ram Ekbal Roy, Advocate.

For respondents: Sh. Mohan Kumar, Advocate for respondent nos. 1 to 5.
Sh. Parvesh Sharma, Advocate for respondent no. 6.

CORAM:

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

ORDER
30.8.2011

The petitioner, by this petition has prayed that the order dated 24.6.2008 be set aside and to consider the claim of the petitioner with regard to disability pension and consequential benefits, revised service pension including interest to the petitioner.

2. The petitioner was enrolled in the corps of E. M. E. in Army in 1977 and was discharged from service on 31.12.2005 in low medical category SII Shape I (P). He was suffering from severe Depressive Episode with psychotic symptom due to stress and strain of army duties. It submitted that at the time of recruitment, the petitioner was fit in all respects. However, during service, he received this syndrome and he was produced before the Release Medical

Contd.....2/-

Board and his disability was assessed at 40%. The papers regarding his claim were sent to Officer In-charge, PCDA, Allahabad on 20.1.2006 which was rejected on 28.6.2006. Thereafter, he filed his first appeal before the Chief of the Army Staff, Defence Headquarters. The same was accepted by the First Appellate Court and he was granted 40% disability for a period of five years commencing from 1.1.2006 vide letter dated 24.6.2008 but after the expiry of a period of five years, his pension was discontinued. Thereafter, he filed petition in High Court of Patna which was dismissed with liberty to him to approach the appropriate Forum. Be that as it may, sanction was only for a period of five years vide order dated 24.6.2008. After expiry of the period of five years, the petitioner should have made a request to the respondents for re-convening the Medical Board to examine whether the petitioner still suffers from the same disability. However, he has approached this Tribunal. The respondents have filed their reply and contested the matter but the fact remains that the petitioner's disability is required to be examined by the Medical Board. In fact, earlier disability pension was granted to him and after expiry of five years he should have been called again by the Medical Board to examine whether the disability still persists or nor or whether there is any variation in the percentage of the disability. Let a Release Medical Board be convened and the petitioner may be asked to appear before it and if his disability still persists then Medical Board may recommend accordingly and the petitioner may be considered for grant of disability pension. The petitioner will be entitled to rounding up also but that will depend upon the

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recommendation of Release Medical Board. The petition is disposed of accordingly. No order as to costs.

A.K. MATHUR
(Chairperson)

S. S. DHILLON
(Member)

New Delhi
August 30, 2011