

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

12.

O.A.No. 412 of 2010

Suraj Bhan

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Petitioner in person.

For respondents: Sh. Ajai Bhalla, Advocate.

CORAM:

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

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

ORDER
07.02.2011

1. Petitioner by this petition has prayed that the impugned order i.e. Annexure A-1 may be quashed and the respondents may be directed to release disability pension to the petitioner.

2. Petitioner was enrolled in the Air Force as an Airman on 29th December 1983 and after successful completion of his training as Airframe Fitter, he was posted to Air Force Technical College, Bangalore and worked on fighter aircraft MIG-21 as Airframe Fitter. On 29th December 1988 he was promoted to the rank of Corporal and worked on MIG-29 fighter aircraft. Thereafter he was promoted to the rank of Sgt. in 1994. In routine check-up, petitioner was said to have affected by hypertension and in 1998 he was placed in low medical category and reviewed by the Medical Board from time to time. The Medical Board assessed 20% disability (Permanent) on 13th March 2003 as certified by the Commanding Officer. Then applicant was discharged on 31st December 2003 but the disability pension was not

given to the petitioner. Thereafter he applied for a medical disability pension which was rejected and it was clearly mentioned that his disability has not been certified by the medical authorities and it was certified by the Commanding Officer. Therefore, petitioner's application for disability pension was rejected. He approached the various authorities but without any result and ultimately filed the petition before this Tribunal.

3. Respondents have contested the petition and have clearly mentioned that the petitioner's disability has not been certified by any Medical Board. It is only certified by Commanding Officer who is not competent to certify that whether the disability is attributed to or aggravated by the service. However when the original Medical Board proceedings were placed before us, we found that there was lot of corrections by applying whitener. Therefore, we directed the respondents to place all the papers before the Director General of Medical & Health Services who shall go through the same and thereafter give a report that whether the application of whitener was correct or not.

4. Today learned counsel for the respondents has placed before us the report of the Director General Medical Services in which it has been mentioned that though whitener has been applied at many places which should not have been used but after going through all medical reports, the disability is not attributable to or aggravated by the military service. After going through the original record and the report received from the Director General of Health Services it appears that petitioner's hypertension is not attributable to military service. More so after going through the petitioner's posting it also appears that he has not been posted at any

place of high altitude or any stressful situation except that the petitioner was posted in 1989 at Baramer from Pune for one month that cannot be said to have caused hypertension to the petitioner. As per the medical record he was old case of hypertension and, therefore, one month's stay cannot be construed to have effect of causing such hypertension. As per the medical report, petitioner's hypertension cannot be attributed to or aggravated by the military service as such, he is not entitled to any disability pension on that count. Petitioner has already put in 20 years of service and he has gone out of service on account of completion of his tenure and discharge has not been on account of medical disability. Consequently, the petition is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
February 07, 2011