

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

12.

O. A. No. 452 of 2010

Smt. Sulekha Rani

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. K. Ramesh, Advocate.

For respondents: Sh. Mohan Kumar, Advocate.

CORAM:

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

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

ORDER

28.3.2011

1. Heard learned counsel for the parties.
2. Petitioner by this petition has prayed that the order dated 31st August 2001 issued by the respondents discharging petitioner's husband may be quashed and the petitioner who is wife of the deceased Suraj Prakash may be given a disability pension because service of petitioner's husband could not have been discharged on the ground that the failure of kidney was not attributable to the military service. It is pointed out that the petitioner was posted at Siachin Glacier and from there he suffered this kidney problem and this kidney problem occurred on account of consumption of the tin food. Therefore, this discharge order passed by the respondents is bad.

3. We have perused the Medical Board proceedings. The Invalidating Medical Board has clearly mentioned that the case is of Ectopic Kidney. This is a constitutional disease. Hence, it is not attributable to the military service. Therefore, the discharge order of the husband of the petitioner was perfectly in order and consequently we do not find any merit in this petition and the same is dismissed.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
March 28, 2011