

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

21.

O.A. No. 73 of 2010

Ex Nk Mohinder Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Santosh Kumar proxy counsel for Sh. S.S. Pandey,
Advocate.

For respondents: Sh Ankur Chhibber, Advocate.

CORAM:

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

HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

ORDER
28.01.2011

1. Petitioner by this petition has prayed that the order dated 17th July 2008 rejecting the appeal of the applicant and order dated 17th December 2007 for grant of disability pension as well as findings of medical board by which the disability of the applicant has been found to be not attributable or aggravated by military service may be quashed and the respondents may be directed to grant disability pension to the applicant with arrears.

2. Petitioner was inducted in the Indian Army in 1988. In 1992 he developed medical problems. On 31st July 1995, he was discharged from service. The request for grant of disability pension was rejected and hence he filed the present petition.

3. Respondents filed their reply and contested the matter but for our satisfaction we called the original medical records. A perusal of the original medical record

shows that the petitioner suffered Neurosis on account of his own creation of health problems. We have perused the medical opinion and it is found that the petitioner suffered vulnerable disease in 1992 while serving because of the prostitution and the he was given a penicillin treatment but after three years when he visited the prostitute he was not able to get any erection and consequently was not able to have a sex with the prostitute. He tried again after few days but he failed. He visited other doctor and Hakim but without any result. Then he developed a sleepless problem and complained of burning micturition and that problem slowly and slowly aggravated and which ultimately resulted in Psycho Sexual Dysfunction and gradually developed full-fledged picture of Neurosis with prominently depressed features. Therefore, this vulnerable disease has resulted in Neuro illness. Therefore, this disease which the petitioner was suffering was not on account of military service. That was his own creation. Though as per the medical report which has mentioned that petitioner's disability is 40% and so far as the ear problem of the petitioner is concerned it is 11 to 14%. The resultant disability was to the extent of 60%. But none of the disease is attributable to the military service.

4. Hence, we do not find any merit in this petition and it is dismissed as such with no order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
January 28, 2011