

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 325 of 2016
with

M.A. No. 961 of 2024

In the matter of :

Lt Col (Retd) S.P. Bhardwaj

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicants : Shri A.K. Trivedi, Advocate

For Respondents : Shri Y.P. Singh, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

M.A. No. 961 of 2024 :

Vide this application, the respondents seek condonation of delay in filing the written arguments. In view of the averments made in the application, delay is condoned and written arguments are taken on record.

MA stands disposed of accordingly.

O.A. No. 325 of 2016 :

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007

(hereinafter referred to as 'AFT Act'), the applicant has filed this OA, which has been amended on permission and the reliefs as per amendment of prayers allowed vide order dated 31.01.2023 claimed in Para 8 thereof read as under :

- (i) Declare the findings of Medical Board dated 18/04/2013 as illegal, arbitrary and perverse in treating the disability as nil despite the fact that the applicant is still suffering from the same disease and therefore the whole action of the respondents as illegal, unjust, arbitrary and discriminatory in not granting the war injury pension to the applicant on the ground that ID Is assessed NIL (i.e. less than 20%), despite the fact that there is no minimum percentage is provided in OM dated 30/10/1987.**
- (ii) Set aside the finding of Medical Board dated 21/07/1998 with regard to attributability of the injury caused to the applicant which is without jurisdiction as the same has been held as attributable to military service by the Court of Inquiry and assessed as 70% for two years.**
- (iii) Direct the respondents to authorize and grant War Injury pension to the applicant in view of**

Battle Casualty in view of GOI orders on the subject.

- (iv) OR to grant Disability pension to the applicant @ 70% by rounding off to 75% wef the date of his discharge including commutation of Pension with all consequential benefits such as recommending the name of the applicant for benefits from different Govt. Agencies and state Govt. due to War Injury, and; To award interest @ 18% on the arrears of War Injury Pension/disability pension, etc.**
- (v) Direct the respondents to constitute the Re-survey Medical Board to assess the disability percentage with respect to Battle Casualty and the disability for future.**
- (vi) Call for the entire Medical Records and COI Proceedings.**
- (vii) Any other relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."**

2. The facts of this case in brief are that the applicant was commissioned in the Indian Army on 16.06.1974.

During service, in the year 1987, the applicant was deployed in Siachen Glacier in 'Op Meghdoot', a High Altitude and Uncongenial Climate area; during that time, the applicant suffered from High Altitude Pulmonary Oedema (HAPO), Pleural Effusion and hearing loss. The disability HAPO was accepted as 'Battle Casualty' and a Part II order was issued, which was confirmed vide AG's Branch order dated 26.05.1992.

3. Thereafter, while the applicant was on annual leave, he met with a serious road accident on 13.07.1997 with Haryana Roadways bus and was admitted to Base Hospital for treatment. A Court of Inquiry was conducted and it was recommended that the injury sustained by the officer was attributable to military service. It is the case of the applicant that due to his deteriorating medical condition, he sought premature retirement and accordingly he retired from service w.e.f. 11.03.1998. The applicant was brought before the duly constituted Release Medical Board (RMB) held on 21.07.1998 and the RMB assessed his disabilities i.e. (a) CLOSED HEAD INJURY BY TEMPORAL CONTUSION @ 40%

and (b) POST TRAUMATIC CONDUCTIVE DEAFNESS @30%;
compositely assessed @ 70% for two years.

4. Initial claim of the applicant for disability pension was not processed due to his proceeding on premature retirement in 1998 in terms of policy dated 29.09.2009. When neither the disability pension nor the War Injury Pension was granted, the applicant submitted an application dated 03.09.2012 requesting to Adjutant General for conducting of Review Medical Board for disability 'HAPO' and 'Pleural Effusion'. The Post Discharge Medical Board (PDMB) held on 31.05.2013 conceded the disabilities 'HAPO' and 'Pleural Effusion' as 'Attributable to Military Service', however, the percentage of disablement was assessed as 'NIL' for life. Accordingly, the claim for disability pension was rejected by the respondents vide letter dated 26.07.2013. Aggrieved by this, the applicant has filed the present original application. In the interest of justice, we take up the OA in accordance with Section 21(1) of the AFT Act for consideration.

CONTENTIONS OF THE PARTIES

5. The learned counsel submitted that at the time of initial recruitment in the Army, the applicant was found

physically and mentally fit in all respect and no note was made in his medical record to the effect that the applicant was suffering from any disease at that time and any medical disability contracted by him during the course of his service should be treated as attributable to and aggravated by the stresses and strains of his service. The learned counsel submitted that the respondents committed grave error in denying the disability pension as the recommendation of the Court of Inquiry is final and medical board cannot interfere with regard to attributability or aggravation in the case of injury. The learned counsel further added that the applicant's tenure during posting at Siachen Glacier being a part of 'Op Meghdoot', there was daily firing/shelling by the enemy and due to extreme cold (-42° temperature), lack of oxygen and enemy shelling for a very long time in open, the applicant suffered from the disabilities 'HAPO and Pleural Effusion' and also severe loss of hearing; that despite his poor health and injuries, the applicant kept fighting the enemy from bunker; that, even after discharge from service, the applicant continued to suffer from the aforesaid diseases.

6. The learned counsel for the applicant replying on the GoI, MoD Circular dated 30.10.1987 at Para 18, submitted that at Para 18.3, it was specifically stated that where the disability is less than 100%, amount of war injury pension shall be proportionately reduced and thus there is no minimum percentage was prescribed for grant of War Injury Pension and, therefore, the applicant is entitled to the same. The learned counsel further submitted that the applicant's case falls in the category 'E' of GoI MoD lettr dated 1(2)/97/D (Pen-C) dated 31.01.2001 vide which recommendations of the V CPC were accepted, as the disabilities were suffered as a result of participation in the notified operation 'Op Meghdoot' by the Govt. and despite these disabilities, the applicant was retained in service and thus the applicant is entitled to war injury element of pension.

7. The learned counsel for the applicant placed reliance on the order dated 13.11.2009 passed by AFT (PB) in the case of **Maj PP Singh Vs. Union of India [T.A. No. 57 of 2009]**, wherein it was held that since Meghdoot operation had been included in GoI Circular dated 24.02.1972 for grant of liberalised pensionary awards, there is no reason to

deny the said benefit and the OA was allowed, and submitted that this case is fully applicable to the present case. The learned counsel also relied upon the order dated 15.12.2015 of AFT (PB) in the case of **Ex Hony Nb Sub Rajendra Vs. Union of India [O.A. No. 20 of 2015]**, wherein the Tribunal allowed the OA and held that in terms of Para 3 of GoI letter dated 13.10.1987, a person who suffered from war injury with a disability less than 20% is also eligible for disability pension. In view of the aforesaid, the learned counsel prayed that the OA may be allowed.

8. *Per contra*, the learned counsel for the respondents contended that the applicant is not entitled to the relief claimed since the RMB, being an Expert Body, found the disabilities 'Closed Head Injury Bitemporal Contusion' and 'Post Traumatic Conductive Deafness' as "Neither Attributable to Nor Aggravated by Military Service" as the injury was sustained due to an accident while the applicant was on annual leave at his home station and it was not related to any service conditions and as per Para 53 of the Pension Regulations for the Army, 1961 (Part-I), the applicant is not entitled to get disability element of pension.

It has been further submitted by the respondents that although the Station Commander, Rohtak recommended the disabilities due to injury sustained on account of the accident by the applicant as 'Attributable to Military Service', in the Court of Inquiry and Injury report dated 17.03.1998, however, as required under Para 520(d) of the Defence Service Regulations, 1987, Part I, the same had not been approved by the Brigade Commander or equivalent and thus is not legal. Hence, learned counsel prayed that the OA be dismissed.

9. The learned counsel further submitted that at the request of applicant, the Post Discharge Medical Board was conducted and the disabilities of the applicant i.e. HAPO and Pleural Effusion were held to be 'Attributable to military service' but the percentage of disabilities was assessed as 'NIL' and in terms of Para 48 of the Pension Regulations for the Army, 1961, the applicant is not entitled to war injury pension. Therefore, the learned counsel for the respondents prayed for dismissal of the OA.

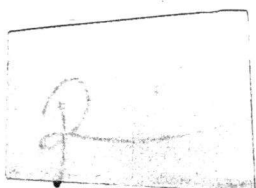
ANALYSIS

10. We have heard the learned counsel for the parties and have gone through the records produced before us.

11. In the instant case, it is not in dispute that the disability of the applicant 'High Altitude Pulmonary Oedema' has been accepted as 'Battle Casualty' and the same has been recorded in the register of battle casualty, as is evident from letter No. B/13148/1-M/Org 3(d) dated 26.05.1992. However, at the time of RMB, the applicant's disabilities were mentioned as 'Closed Head Injury Bitemporal Contusion' and 'Post Traumatic Conductive Deafness' and the same were considered as "Neither Attributable to Nor Aggravated by Military Service" and there was no mention of HAPO and Pleural Effusion recorded in the RMB.

12. In this case, the disability/injury of the applicant was sustained when the applicant was on annual leave at his hometown, Rohtak. The injury was sustained when the applicant, while riding a scooter, met with an accident with a Haryana Roadways Bus. As per the Entitlement Rules, 2008, the relevant provisions relating to attributability of an injury while on leave are given as under:

"10. Attributability:



(a) Injuries:

In respect of accidents or injuries, the following rules shall be observed:

- i) Injuries sustained when the individual is 'on duty', as defined, shall be treated as attributable to military service, (provided a nexus between injury and military service is established).**
- ii) In cases of self-inflicted injuries while 'on duty', attributability shall not be conceded unless it is established that service factors were responsible for such action.**

13. From the aforesaid provisions, it is clear that the attributability should be conceded if the injury sustained when the individual is 'on duty' **provided a nexus between injury and military service is established.** With regard to deciding the causal connection between the injury and the military service, we may refer to the judgment of Hon'ble Supreme Court in **Union of India & Ors. Vs. Baljit Singh [(1996) 11 SCC 315]**, wherein it was observed that in each case where a disability pension is sought for and claim made, it must be affirmatively established as a fact as to whether the injury sustained was due to military service or was aggravated by military service.

14. It would be pertinent to refer to the judgment passed on somewhat similar issue by the Hon'ble Supreme Court in

the case of **Secretary, Govt. of India Vs. Dharambir Singh**
[2019 Latest Caselaw 851 SC] decided on 20.09.2019,
which lays down as under :

“(10) In view of the provisions reproduced above, we find that the following questions arise for consideration:

(i) xxx

(ii) Whether the injury or death caused even if, the armed forces personnel is on duty, has to have some causal connection with military service so as to hold that such injury or death is either attributable to or aggravated by military service?

(iii) xxx

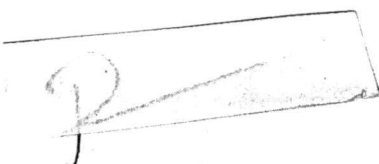
Answer to Question No.1

(11) to (14) xxx xxx

Answer to Question No.2

(15) The 1982 Rules give expansive definition to the expression ‘duty’ being undertaken by the personnel of the Armed Forces. It includes the period when Armed Forces personnel is proceeding from his leave station or returning to duty from his leave station. It includes even an accident which occurs when a man is not strictly on duty provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. However, as per Regulation 423 of the Medical Regulations, such injury has to have causal connection with military service or such injury is aggravated by military service.

(16) In Regulation 423(a) of the Medical Regulations, it has been specifically mentioned that it is immaterial whether the cause giving rise to the disability or death



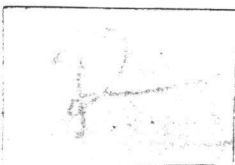
occurred in an area declared to be a field service or active service area or under normal peace conditions, will be deemed to be duty. Regulation 423(a) mandates that it is essential to establish whether the disability or death bore a causal connection with the service conditions. All evidence, both direct and circumstantial, will be taken into account and benefit of reasonable doubt, if any, will be given to individual. For the sake of repetition, the said clause reads as under:

“(a) For the purpose of determining whether the cause of a disability or death is or is not attributable to service, it is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions. It is, however, essential to establish whether the disability or death bore a causal connection with the service conditions...”

(17) Clause (b) of Regulation 423 of the Medical Regulations presumes that disability or death resulting from wound or injury, will be regarded as attributable to service if the wound or injury was sustained during actual performance of ‘duty’ in Armed Forces. This is in contradiction to “deemed to be duty” as per Rule 12(f) of 1982 Rules, as the Rule is when a man is not strictly on duty. However, the injuries which are self-inflicting or due to individual’s own serious negligence or misconduct even in the cases of active duty, are not to be conceded unless, it is established that service factors were responsible for such action.

(18) and (19) xxx xxx

(20) In view of Regulation 423 clauses (a), (b) and (d), there has to be causal connection between the injury or death caused by the military service. The determining factor is a causal connection between the accident and



the military duties. The injury or death must be connected with military service howsoever remote it may be. The injury or death must be intervention of armed service and not an accident which could be attributed to risk common to human beings. When a person is going on a scooter to purchase house hold articles, such activity, even remotely has no causal connection with the military service."

[Emphasis supplied]

15. Further, the Hon'ble Supreme Court in the case of Union of India & others Vs. Ex Naik Ram Singh [2022 SCC OnLine SC 889], held that there has to be a reasonable causal connection between the injuries resulting in disability and the military service.

16. The applicant has annexed recommendations of Station Commander Rohtak on the Court of Inquiry conducted with regard to the injury sustained by the applicant when he met with an accident while he was on annual leave. The same reads as under :

"RECOMMENDATIONS OF STATION COMMANDER ROHTAK ON THE COURT OF INQUIRY PROCEEDINGS ORDERED TO INVESTIGATE INTO THE CIRCUMSTANCES UNDER WHICH IC 30497X LT COL SP BHARDWAJ WHILE ON LEAVE AT ROHTAK MET WITH AN ACCIDENT AND SUSTAINED SEVERE INJURY

1. IC 30497X Lt Col Sp Bhardwaj of 3 MP Composite Technical Independent Coy ICC Gwalior while on part of annual leave from 09 Jul to 17 Jul 97 at his

home town Rohtak when riding a two wheeler scooter met with an accident with Haryana Roadways Bus near Mehem on 13 Jul 97 at 1100 hrs. The bus was coming from behind in a speed and hit the scooter of the offr. As a result the offr was thrown forward on sandy track and sustained severe injuries.

2. The offr was initially taken to Civil Hospital Mehem and then was brought to Medical College Rohtak. He was subsequently evacuated to Army Base Hospital New Delhi on 21 Jul 97.

3. The offr is not to be blamed for the accident.

4. I recommend that injuries sustained by IC 30467X Lt Col Sp Bhardwaj be attributable to military service in peace."

17. On perusal of the above, we find that although Station Commander had recommended that injuries sustained by the applicant were attributable to military service in peace, but it was nowhere mentioned whether the applicant was on duty or was going in relation to any official work, while he met with an accident and the accident actually occurred while the applicant was on annual leave at his hometown.

18. It was contended by the respondents that although the Station Commander, Rohtak recommended the disabilities due to injury sustained on account of the accident by the applicant as 'Attributable to Military Service', in the Court of Inquiry and Injury report dated 17.03.1998, however, as

required under Para 520(d) of the Defence Service Regulations, 1987, Part I, the same had not been approved by the Brigade Commander or equivalent and thus is not legal.

19. Thus, it is important to refer to Para 520(d) of the Defence Service Regulations, 1987, Part-I, which read as under :

"520. Injury to a Person Subject to army Act- (a)
When an officer, JCO, WO, OR or nurse, whether on or off duty, is injured (except by wounds received in action), a certificate on IAFY-2006 will be forwarded by the medical officer in charge of the case to the injured person's CO as soon as possible after the date on which the patient has been placed on the sick list, whether in quarters or in hospital. In the case of injuries which are immediately fatal, a report of the court of inquiry proceedings referred to in sub-para (c) (i) will take the place of IAFY-2006.

xxx

xxx

(d) The court of inquiry will not give an opinion, but the injured person's CO will record his opinion on the evidence, stating whether the injured person was on duty and whether he or she was to blame. When no evidence as to the circumstances attending the injury beyond that of the injured person is forthcoming it should be stated in the proceedings. The proceedings will then be sent to the brigade commander or the officer who has been authorised under Section 8 of the Army Act to exercise the legal and disciplinary powers of a brigade commander who will record thereon his decision whether

disability or death was attributable to military service and whether it occurred on field service. After confirmation, the medical officer will, in all cases except those of JCOS, WOs and OR, record his opinion in the proceedings as to the effect of the injury or the injured person's service. the proceedings will then be forwarded by the CO through the prescribed channel to Army Headquarters, Org Dte in the case of non-medical officers and Medical Dte in other cases, a copy being retained at command or other headquarters. In the case of a JCO, WO or OR a record will be made in the primary medical examination report (AFMSF-2A) by the CO that a court of inquiry has been held, and also as to whether the man was on duty and whether he was to blame. The primary medical examination report will then be passed to the medical officer who will record his opinion as to the effect of the injury on the man's service. The proceedings of the court of inquiry will then be forwarded to the officer i/c records for enclosure with the injured person's original attestation (see sub-para (b) above), except in the case of a court of inquiry under sub-para (c) (v) above, in which case the proceedings, together with a copy of the medical opinion as to the effect of the injury of the man's service, will be forwarded without delay to Army Headquarters."

20. In Para 520 of Defence Services Regulations, 1987 (Part-I) above, there are certain procedures prescribed for investigation of facts leading to injury to an army personnel, which seem to have not been followed completely in the present case, however, after going through the

recommendations of the Station Commander, as reproduced above, we find that although the injury was recommended to be attributable to military service, but there is not a mention whether the applicant was on duty while he was going on scooter at his hometown and met with an accident and no reason was stated to opine the injury as attributable to service, when Para 520(d) clearly indicates that ***'the injured person's CO will record his opinion on the evidence, stating whether the injured person was on duty.'*** Thus, the recommendations of the Station Commander, in our view, is insufficient and unsatisfactory.

21. In the case in hand, it is undisputed that the applicant while being on the part of annual leave at his hometown, Rohtak, when riding a two-wheeler/scooter, met with an accident with Haryana Roadways Bus near Mehem on 13.07.1997 and sustained head injury, however, there was no mention in the record if the applicant was going for an official work at that time, hence at the time of incidence, the applicant was not performing any duty or any act which, by any stretch of imagination, is connected with military service.

In this scenario, we are of the of the considered view that the

head injury, which led to the other disability 'Post traumatic conductive deafness', sustained by the applicant does not have any causal connection, even remotely with the military service and thus, the disabilities cannot be held attributable to or aggravated by military service. Therefore, the applicant is not entitled to disability element of pension with regard to these two disabilities (Closed Head Injury and Post Traumatic Conductive Deafness).

23. As regards the prayer made by the applicant seeking war injury element of pension with regard to other two disabilities viz. 'HAPO' and 'Pleural Effusion', the applicant had suffered the said disabilities while he was deployed in 'Op Meghdoot' in 1987 and the disability ID HAPO has been accepted as a 'Battle Casualty' vide Part II order and this fact has been confirmed vide AG's Branch letter No. B/13148/1-M/Org 3(d) dated 26.05.1992. However, there is nothing on record which indicates that the applicant continued to suffer from the aforesaid diseases/disabilities at the time of retirement from service. Even the applicant has also not filed any document in this regard. We also find it surprising that at the time of conduct of RMB, the applicant did not mention

about the disabilities of 'HAPO' or 'Pleural Effusion' in the personal statement in the Part-I of the RMB proceedings, filled-in by the applicant himself under his signatures. Moreover, in his representation dated 08.08.2012 seeking disability pension, the applicant himself stated that after having suffered with 'HAPO', his medical category was upgraded and it is stated that he had suffered with TB in September, 1988, however, the disease was cured he was medically upgraded to SHAPE-1. If the applicant had been suffering with the aforesaid diseases at the time of retirement also, he could have raised the issue with the respondents or the medical board. It is on 03.09.2012 that the applicant represented his case for seeking disability pension and requested for a medical examination with regard to the disabilities 'HAPO' and 'Pleural Effusion'.

24. The respondents acceded to request of the applicant for conduct of medical examination and a Post Discharge Medical Board was conducted on 18.04.2013 at BASE Hospital, Delhi Cantt, wherein, while the disabilities of the applicant i.e. 'HAPO' and 'Pleural Effusion' were held to be 'attributable to military service', the percentage of the disablement was



assessed as 'NIL for life' with regard to both the disabilities based on the opinion of the MD, DNB, DM (Pulmonary Medicine) FCCP, Senior Advisor (Medicine & Pulmonology), after due investigation, which reads as under :

"Opinion

1. High Altitude Pulmonary Edema : There is no residual effect of the disease and no evidence of Pulmonary Hypertension on Echocardiography.

2. Pleural effusion - Tubercular etiology - Has recovered with no residual pleural thickening. There is no clinical and radiological sequelae of the disease. He was unable to perform spirometry. The present symptoms are due to Bronchial Asthma which is unrelated to the above two disabilities."


25. As far as assessment made by the post discharge medical board (PDMB) in respect of the above disabilities is concerned, the Hon'ble Supreme Court in the case of **Ex Cfn Narsingh Yadav Vs. Union of India & Ors. [(2019) 13 SCR 260]** observed that though the opinion of the Medical Board is subject to judicial review but the Courts are not possessed of expertise to dispute such report unless there is strong medical evidence on record to dispute the opinion of the Medical Board.

26. As regards war injury pension, it is pertinent to reproduce the relevant provisions of the GoI, MoD letter dated 31.01.2001 for implementation of the recommendations of the V Pay Commission regarding various types of pensions including War Injury Pension, for the armed forces officers and PBOR retiring, invaliding or dying in harness on or after 01.01.1996. The applicant herein was prematurely retired from service on 11.03.1998 and thus the aforesaid provisions of letter dated 31.01.2001 are applicable to the case of the applicant. The relevant paras 10, 10.1, 11, 11.1 and 11.5 read as under :

"10. War Injury Pension on Invalidment

10.1 Where an Armed Forces Personnel is invalided out of service on account of disabilities sustained under circumstances mentioned in category 'E' of para 4.1 above, he/she shall be entitled to War Injury Pension consisting of service element and War Injury element as follows: -

- (a) Service Element:- Equal to retiring/service pension to which he/ she would have been entitled on the basis of his/her pay on the date of invalidment but counting service upto the date on which he/she would have retired in that rank in normal course including weightage as admissible. Provisions of para 6 of Ministry of Defence letter No. (1/6) / 98) / D (Pens/Ser) dated***



3.2.98 shall apply for calculating Retiring/Service Pension. There shall be no condition of minimum qualifying service for earning this element.

- (b) War Injury Element: Equal to reckonable emoluments last drawn for 100% disablement. However, in no case the aggregate of service element and War Injury element should exceed last pay drawn. For lower percentage of disablement, War Injury element shall be proportionately reduced.**

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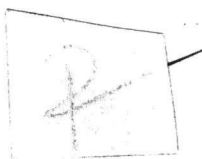
“11. War Injury Pension on Retirement in service.

11.1 Armed Forces Personnel who are retained in service despite the disability due to war injury sustained under circumstances mentioned in Category ‘E’ of para 4.1 above, and retire subsequently will have an option as follows to be exercised within a period as prescribed by the Government from time to time:

- (a) to draw lumpsum compensation in lieu of War Injury element, foregoing War Injury element at the time of subsequent retirement/discharge: or**
- (b) to draw War Injury element at the time of retirement in addition to retiring/service pension admissible on retirement/discharge foregoing lump sum compensation.”**

xxx

xxx



11.5 For disabilities less than 100% but not less than 20%, the above rates shall be proportionately reduced. No war injury element shall be payable for disabilities less than 20%. Provisions contained in para 7.2 above shall not be applicable for computing war injury element. Disability actually assessed by the duly approved Release Medical Board/Invaliding Medical Board shall reckon for computing war injury element."

[Emphasis supplied]

In the instant case, the PDMB held on 18.03.2013 assessed the percentage of the disabilities of the applicant i.e. 'HAPO' and 'Pleural Effusion', as 'NIL' for life, in view of the aforesaid provisions of the letter dated 31.01.2001, the applicant is not entitled to any war injury element of pension.

CONCLUSION

27. In view of the above, we are of the considered view that the applicant is not entitled to disability pension for the disabilities viz. 'Closed Head Injury Bitemporal Contusion' and 'Post Traumatic Conductive Deafness' or War Injury Pension for the disabilities viz. 'HAPO' and 'Pleural Effusion'. Accordingly, OA 326 of 2016 stands dismissed being devoid of merit.

28. There is no order as to costs.

Pronounced in open Court on this 29th day of
November, 2024.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

/ng/