



fit to be discharged from service in composite low medical category A4G3(P) for the disability - Hypermetropic Astigmatism @ 20% for life while the qualifying element for disability pension was recorded as NIL for life on account of disabilities being treated as neither attributable to nor aggravated by military service (NANA).

3. Placing reliance on the judgement of the Hon'ble Supreme Court in Dharamvir Singh v. Union of India & Ors. [2013 (7) SCC 36], learned counsel for applicant argues that no note of any disability was recorded in the service documents of the applicant at the time of the entry into the service, and that he served in the Air Force in trade of IT Duties at Air Force Records Office and thereby, any disability at the time of his service is deemed to be attributable to or aggravated by military service.

4. Per contra, while the learned counsel for the respondents has not disputed the facts of the case regarding the disability, he highlighted the Opinion of the Release Medical Board to the effect that the aforesaid disability of the applicant was assessed as "neither attributable to nor aggravated".

5. We have heard the learned counsel for the parties and have perused the record produced before us. However, it is relevant to refer to Para 34 under Chapter VI of the "Guide to Medical (Military Pension), 2002 reads as under:-

*“CHAPTER VI CLINICAL ASPECTS OF CERTAIN DISEASES  
34. Errors of Refraction:*

*(a) Astigmatism .May very rarely be due to injury or ulceration of the cornea. In the absence of evidence of injury or inflammatory disease of the eye, the condition may be accepted as unaffected by military service.”*

6. On an analysis of the aforesaid Para of GMO, 2002, it can be taken into consideration that the issue of Astigmatism arises due to injury or ulceration of cornea, and that in absence of any evidence of injury or inflammatory disease of the eye, the condition must be held to be not attributable to service, which we find that in the instant case, there is no evidence of any injury or inflammation.

7. As far as the issue of aggravation is concerned, we find that post the onset of the disability in the year 2009, the applicant has been transferred from the MT Driver Trade Duties to IT Duties. However, on an analysis of the Vision Test as carried out at the time of Release Medical Board, we find that the near vision of the applicant is N14 without glasses

meaning moderate vision loss and N6 with glasses meaning normal vision.

8. On a study of the medical literature, we find that vide a Report of Michigan Eye Institute, titled as “Astigmatism: Myth v. Fact”, it has been specified as under:

*“Astigmatism affects at least one-third of the population in the United States. Astigmatism is an irregular curvature of the cornea or lens. This irregularity is found most often in the cornea and causes light to refract improperly. As a result, blurry vision, eye strain, headaches, and general eye discomfort may result. Most people have such a mild case that there is no need to correct it.*

*Whether it is your television, laptop, or tablet, being too close to the screen or staring at it for long periods of time will not cause astigmatism to get worse. While it is not recommended to watch any screen for long periods of time without eye rest, this activity won't affect astigmatism specifically.*

*Age is one of the most common causes for Astigmatism to worsen. The cornea, which is the clear outer layer of the eye, can become less flexible and may develop small irregularities as a person ages. As a result, light entering the eye can be refracted unevenly, leading to blurred or distorted vision. Regular eye exams are important for monitoring changes in vision and ensuring that the appropriate corrective lenses or treatments are used.”*

9. As the medical literature referred above shows that working on a computer does not worsen astigmatism, which significantly means that the disability of the applicant could not have been aggravated by virtue of him being working on computer as a part of his IT duties.

10. In the case of the applicant, there is nothing to show that the conditions of military service determined or contributed to the onset of the disease and that the conditions were due to the circumstances of duty in military service.

11. In view of the aforesaid analysis, we are of the view that the present OA is devoid of merit and therefore, is liable to be dismissed.

12. Hence, the OA 1525/2018 is dismissed.

13. No order as to costs.

14. Pending miscellaneous application, if any, stands disposed of.

Pronounced in the open Court on 14 day of May, 2024.

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON

(LT GEN C.P. MOHANTY)  
MEMBER (A)

Akc