

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

OA 1065/2018

Ex JWO Ravindra Singh

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant

: Mr. Anuj Saxena, Advocate

For Respondents

: Ms. Shagun Shahi Chugh, Advocate for  
R- 1,3-5 and  
Mr. J S Arora, Advocate for R-2

CORAM :

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

**ORDER**

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant vide the present OA makes the following prayers:-

*“(a) That this Hon’ble Court be pleased to pass direction to Respondent(s) to release his medical disability pension from the day he was invalided out from service with an interest of 18% per annum.*

*(b) Direct the Respondent to release all the consequential benefits with respect to the claim of disability pension viz. Air Force Group Insurance Society Survival benefit etc.*

*(c) That this Hon’ble Tribunal be pleased to grant such other and further reliefs as are deemed fit in the interest of justice. ”*

**BRIEF FACTS**

2. The applicant was enrolled in the Indian Air Force on 09.03.1983 and was discharged from service on 31.03.2015 after rendering total 31 years and 06 months of regular service. The Invalid

Medical Board held on 14.11.2014 found the applicant fit to be released in the low medical category S5H1A1P1E1 (P) for the disability of Schizophrenia (old) assessed @40% for life and held the same as 'Neither Attributable to Nor Aggravated by military service' (NANA).

3. The claim for the grant of disability element of pension of the applicant was rejected by the competent authority, AOC AFRO vide letter No. RO/3305/3/Med dated 31.03.2015 and the same was communicated to the applicant vide letter No. Air HQ/99798/1/683299/DAV/DP/IMB dated 24.04.2015 with an advice that if he is not satisfied with the decision, he may prefer an appeal to the Appellate Committee within six months from the date of receipt of the letter. The applicant submitted the first appeal dated 28.12.2015 which was rejected by the Appellate Committee on First Appeal (ACFA) vide letter dated 16.02.2017. Thereafter, the applicant submitted second appeal dated 29.04.2017 which has not been replied to by the respondents till the time of filing of this OA. The applicant also filed an RTI application dated 03.01.2018 in context of the final/second appeal. Aggrieved by the non-response of his second appeal, the applicant has filed the instant OA. In the interest of justice, in terms of Section 21(1) of the AFT Act, 2007, we take up the same for consideration.

### CONTENTIONS OF THE PARTIES

4. Placing reliance on the judgment of the Hon'ble Supreme Court in *Dharamvir Singh v. UOI & Ors* [2013 (7) SCC 316], the learned counsel for the applicant submitted 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 Indian Air Force at various places in different environmental and service conditions in his prolonged service and thus thereby, any disability that arose during his service has to be deemed to be attributable to or aggravated by military service.

5. On behalf of the applicant, further reliance was also placed on the verdicts of the Hon'ble Supreme Court in the case of *Union of India Vs. Rajbir Singh* 2015(12) SCC 264, *Ex Gnr. Laxmanram Poonia (Dead) UOI & Ors.* CA No. 2633/2017, wherein similarly situated personnel were given relief.

6. *Per contra*, the learned counsel for the respondents submits that as per Rule 153 of the Pension Regulations for the Air Force, 1961 (Part-1), the primary condition for the grant of disability pension is invalidation out of service on account of a disability which is attributable to or aggravated by Air Force service and is assessed 20% or more. The learned counsel further submits that since the applicant's disability was NANA as declared by the RMB, his claim for the grant of the disability was rejected by the competent authority and thus the applicant is not entitled to the grant of the disability pension.

7. Reliance is also placed on behalf of the respondents on the verdicts of the Hon'ble Supreme Court in the case of *Secr., Ministry Of Defence & Ors v. Damodaran A.V.(D) Thr.Lrs. & Ors, UoI & Ors. v. Baljeet Singh* [1996(11)SCC 315], *Union of India v. Keshar Singh* [(2007) 12 SCC 675], *Controller of Defence v. S. Balachandran Nair* [AIR 2005 SC 4391], *Om Prakash Singh v. Union of India and Ors.* [(2010) 12 SCC 667] and *Union of India & Ors. v. Ram Prakash* (Civil Appeal No. 4887 of 2010), wherein, similarly situated personnel were not given the relief and the petitions were dismissed by Hon'ble Supreme Court.

#### ANALYSIS

8. On the careful perusal of the material available on record and also the submissions made on behalf of the parties, we are of the view that it is not in dispute that the extent of disability of the applicant was assessed @40% which is more than bare minimum assessment of 20% for the grant of disability pension. The only question that arises is whether the disability of "schizophrenia" suffered by the applicant is attributable to or aggravated by military service. As far as the prayer 8(b) made by the applicant is concerned, the applicant is already in receipt of the disability claim of Rs. 8,82,040/- from Air Force Group Insurance Society, copy of the said document is placed as Annexure R2/A, annexed to the Counter affidavit of respondent No. 2 .

9. At the outset, it may be useful to refer to Para 54, Chapter VI of the Guide to Medical Officers (Military Pensions), 2008, which provides

for details of the factors which have a bearing on attributability and aggravation of psychiatric disorders, which reads as under:-

*"54. Mental & Behavioural (Psychiatric) Disorders.*

*Psychiatric illness results from a complex interplay of endogenous (genetic/biological) and exogenous (environmental, psychosocial as well as physical) factors. This is true for the entire spectrum of psychiatric disorders (Psychosis & Neurosis) including substance abuse disorders. The relative contribution of each, of course, varies from one diagnostic category to another and from case to case.*

*The concept of attributability or aggravation due to the stress and strain of military service can be, therefore, evaluated independent of the diagnosis and will be determined by the specific circumstances of each case.*

*(a) Attributability will be conceded where the psychiatric disorder occurs when the individual is serving in or involved in:-*

*(i) Combat area including counterinsurgency operational area*

*(ii) HAA service.*

*(iii) Deployment at extremely isolated posts*

*(iv) Diving or submarine accidents, lost at sea.*

*(v) Service on sea.*

*(vi) MT accidents involving loss of life or Flying accidents (both as flier and passenger) in a service aircraft or aircraft accident involving loss of life in the station.*

*(vii) Catastrophic disasters particularly while aiding civil authorities like earthquake, cyclone, 41 tsunamis, fires, volcanic eruptions (where one has to handle work in proximity of dead or decomposing bodies).*

*(b) Attributability will also be conceded when the psychiatric disorder arises within one year of serious/multiple injuries (e.g. amputation of upper/lower limb, paraplegia, quadriplegia, severe head injury resulting in hemiplegia or gross neurocognitive deficit which are themselves considered attributable to military service. This includes Post Traumatic Stress Disorder (PTSD).*

*(c) Aggravation will be considered in Psychiatric disorders arising within 3 months of denial of leave due to exigencies of service in the face of:*

*(i) Death of parent when the individual is the only Child/son.*

*(ii) Death of spouse or children.*

*(iii) Heinous crimes (e.g. murder, rape or dacoity) against members of the immediate family.*

*(iv) Reprisals or the threat of reprisals against members of the immediate family by militants/terrorists owing to the fact of the individual being a member of the Armed Forces.*

*(v) Natural disasters such as cyclones/earthquakes involving the safety of the immediate family.*

*(vi) Marriage of children or sister when the individual is the only brother thereof and specially if their father is deceased.*

*(d) Aggravation will also be conceded when after being diagnosed as a patient of psychiatric disorder with specific restrictions of employability the individual serves in such service environment which worsened his disease because of the stress and strain involved like service in combat area including counterinsurgency operations, HAA, service on board ships, flying duties.*

*(e) Attributability may be granted to any psychiatric disorder occurring in recruits and results in invalidment from service only when clearly identifiable severe stressors including sexual abuse or physical abuse are present as causative factor/factors for the illness."*

10. There are various factors given in order to assess the attributability and aggravation of the disability of schizophrenia as per Para 54 of GMO 2008. In this case, there is no material placed by the applicant on record to show that the applicant suffered the disease because of any factors related to the service conditions or any factors mentioned in Para 54 of the GMO, 2008.

11. Even IMB proceedings of the applicant mention nothing about any stress and strain relating to service. Further, the report by commandant/CO/OC shows the unusual behavior of the applicant. The relevant extracts from the report is reproduced as under:-

*"The JWO is generally seems to be absent minded. Does not show any interest in service related activities. Does not possess adequate professional skills as per his rank. However, he takes much interest in his personal affairs. He does not want to do any trade related work and hinders in work by others."*

12. We are of the view that there is no causal connection between the disability and the military service in this case and the IMB has rightly considered the disability as neither attributable to nor aggravated by service. Further, if the behaviour of a soldier is abnormal and is hampering his progression in service, then the respondents as employers have every right not to retain him in service.

13. The law on the importance of the opinion of a Medical Board has been well settled by the Hon'ble Supreme Court. While pronouncing judgment in the case of *Union of India & Another Vs. Ex Rfn Ravinder Kumar* [Civil Appeal No. 1837/2009], the Hon'ble Apex Court vide its order dated 23.05.2012 had stated that opinion of Medical Board should not be over-ruled judiciously unless there is a very strong medical evidence to do so. Paras 2, 4 and 5 of the above judgment reads as under:

*"2. The issue involved herein is no more res integra. It is not in dispute that in case the injury suffered by military personnel is attributable to or aggravated by military service, he becomes entitled for disability pension. It is also a settled legal proposition that opinion of the Medical Board should be given primacy in deciding cases of disability pension and the court should not grant such pension brushing aside the opinion of the Medical Board.*

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*4. This Court recently decided an identical case in Union of India & Ors. v. Jujhar Singh, AIR 2011 SC 2598, and after reconsidering 2 a large number of earlier judgments including Secretary, Ministry of Defence & Ors. v. A.V. Damodaran (dead) through L.Rs. & Ors., (2009) 9 SCC 140; Baljit Singh's (supra); Regional Director, ESI Corporation & Anr. v. Francis De Costa & Anr., AIR 1997 SC 432, came to the conclusion that in view of Regulation 179, a discharged person can be granted disability pension only if the disability is attributable to or aggravated by military service and such a finding has been recorded by Service Medical Authorities. In case the Medical Authorities records the*



*specific finding to the effect that disability was neither attributable to nor aggravated by the military service, the court should not ignore such a finding for the reason that Medical Board is specialised authority composed of expert medical doctors and it is a final authority to give opinion regarding attributability and aggravation of the disability due to the military service and the conditions of service resulting in the disablement of the individual. A person claiming disability pension must be able to show a reasonable nexus between the act, omission or commission resulting in an injury/ailment to the person and the normal expected standard of duties and way of life expected from such person. (See also: Secretary, Ministry of Defence & Ors. v. Ajit Singh, (2009) 7 SCC 328). 3*

*5. We are of the view that the opinion of the Medical Board which is an expert body must be given due weight, value and credence. Person claiming disability pension must establish that the injury suffered by him bears a causal connection with military service."*

### CONCLUSION

14. In view of the aforesaid analysis and the parameters referred to above, there being no infirmity in the opinion of the IMB, the OA 1065/2018 stands dismissed being devoid of merits.

15. No order as to costs.

Pronounced in the open Court on <sup>5<sup>th</sup></sup> day of July, 2025.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

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