

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

**T.A.No.37 of 2010**

(W.P(C)NO.991/2006 OF THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM)

WEDNESDAY, THE 22ND DAY OF FEBRUARY, 2012/3RD PHALGUNA, 1934

**CORAM:**

HON'BLE MR. JUSTICE A.C.ARUMUGHAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT. GEN. THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

A.SHIHABUDEEN (EX NAIK 2988317  
dISCHARGED FROM 17 RAJPUT, UNDER THE  
RAJPUT REGIMENT OF THE INDIAN ARMY)  
AGED 41 YEARS, S/O.ABOOBEKAR KUNJU,  
RESIDING AT KALLADICHA VILA  
(ALTAF MANZIL)  
THUNDATHIL P.O.,  
THIRUVANANTHAPURAM.

**PETITIONER/APPLICANT**

BY ADV. B.HARISH KUMAR.

**VERSUS**

1. PRINCIPAL CONTROLLER OF DEFENCE  
ACCOUNTS (PENSIONS),  
DRAUPADI GHAT, ALLAHABAD.
2. THE MANAGING DIRECTOR,  
ARMY GROUP INSURANCE FUND,  
AFGH BHAVAN, RAO TULARAM MARG,  
VASANTH VIHAR  
NEW DELHI.
3. UNION OF INDIA, REP. BY THE SECRETARY,  
GOVT. OF INDIA, MINISTRY OF DEFENCE,  
SOUTH BLOCK, NEW DELHI-11.
4. CHIEF OF ARMY STAFF  
ARMY HQ, NEW DELHI.
5. HEAD QUARTERS, RAJPUT BATTALION,  
C/O 56APO.
6. THE OFFICER-INCHARGE (RECORDS)  
THE RAJPUT REGIMENT, FATEGARH  
U.P. 209601.

**RESPONDENTS/RESPONDENTS**

R1, R3 TO R6 BY ADV.SRI.K.M.JAMALUDHEEN, SR.PANEL COUNSEL.  
R2 BY ADV. SRI.MOHAN IDICULA ABRAHAM.

**ORDER**

**A.C.A.Adityan, Member (J)**

After hearing both sides this Tribunal has passed an order on 16<sup>th</sup> December, 2011 requesting both parties to settle the matter outside the court. But it is seen from the communication of the AGIF, New Delhi dated 30<sup>th</sup> December, 2011 that as per clause 59 (c) of AGIF Rules the applicant is not entitled for the disability benefits under the scheme of Army Group Insurance Fund (Society) since the applicant had discharged from service at his own request. But the fact remains that the applicant is a battle casualty and we are of the considered view that the 2<sup>nd</sup> respondent can once again consider the plight of the applicant on humanitarian basis and to provide some relief as a special case by 23/3/2012. It is made clear that the order passed in this T.A today shall not be a precedent to other cases. If the applicant's grievance still existed even after 23/3/2012 he can approach the Tribunal with an Execution Petition.

The T.A.37/2010 is disposed of in the above manner.

Sd/-  
LT.GEN.THOMAS MATHEW  
MEMBER (A)

Sd/-  
JUSTICE A.C.A.ADITYAN  
MEMBER (J)

mds/

(True copy)

Private Secretary