

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.20139 of 2008**

DATE OF DECISION: November 28, 2008

AZAD SINGH

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE RAJAN GUPTA.**

PRESENT: MR. N.R. DAHIA, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J.(ORAL)

The petitioner joined Rajputana Rifles as Infantry Soldier on 29.5.1976. He was discharged from service on his request on compassionate grounds on 16.5.1980. The petitioner rejoined the Army DSC on 7.9.1982. The petitioner while serving with 30 DSC Platoon attached to Air Force Station Adampur developed a disease of Neurosis (Hysteria). He was downgraded to low medical category 'EEE'. A invaliding medical board was held. In pursuance to the findings of the medical board, the petitioner was invalided out from service. The petitioner claimed disability pension and sent a letter to the authorities which was rejected. The petitioner preferred an appeal which was also rejected by the MOD vide order dated 8.12.1986.

The petitioner has challenged the rejection of his appeal dated 8.12.1986, although the said order has not been placed on record.

Learned counsel submits that the petitioner is entitled to be granted disability pension as he developed the disease while in service.

A perusal of Annexure P-3 vide which his legal notice has been replied shows that disease of the petitioner has been held neither attributable to nor aggravated by the military service by the medical experts. The case of the petitioner was also examined by two Appellate Committees who have also rejected his claim. The petitioner has preferred this writ petition after more than 22 years of the rejection of the appeal. In view of the fact that claim of the petitioner has been rejected by two Appellate Committees on the basis of opinion of the medical experts and the fact that the petitioner has approached this Court highly belatedly, we find no ground to interfere in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 28, 2008
Gulati

(RAJAN GUPTA)
JUDGE