

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936**

**WP(C).No. 25226 of 2003 (C)**  
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**PETITIONER(S):**  
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**YOHANNAN V.G., (NO.S/352031 RFN/ORL  
ASSAM RIFLES EX-SERVICEMAN),  
VALLIANAKUZHI, KAVUNGUMPURAYAR,  
MALLAPPALLY, PATHANAMTHITTA DISTRICT,  
KERALA STATE.**

**BY ADV. SRI.K.SASIKUMAR.**

**RESPONDENT(S):**  
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- 1. SECRETARY TO GOVERNMENT,  
MINISTRY OF HOME AFFAIRS,  
GOVERNMENT OF INDIA, NEW DELHI.**
- 2. DIRECTOR GENERAL,  
DIRECTORATE GENERAL,  
ASSAM RIFLES, SHILLONG-793 011.**

**R1 & R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- EXT.P1      COPY OF THE DISCHARGE CERTIFICATE OF THE PETITIONER.
- EXT.P2      COPY OF THE REPRESENTATION DATED 17/06/2002 FORWARDED  
BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P3      COPY OF THE ORDER DATED 02/08/2002 ISSUED BY THE  
2ND RESPONDENT.

**RESPONDENT'S EXHIBITS:-**

- EXT.R1A     COPY OF THE CENTRAL CIVIL SERVICES (EXTRA ORDINARY PENSION)  
RULES.
- EXT.R1B     COPY OF THE MEDICAL BOARD PROCEEDINGS.
- EXT.R1C     COPY OF THE INVALID PENSION UNDER CCS (PENSION) RULES 38.

//TRUE COPY//

P.A. TO JUDGE

rs.

**A.M.SHAFIQUE, J**

**\* \* \* \* \***

**W.P.C.No.25226 of 2003**

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Dated this the 27<sup>th</sup> day of February 2015

**J U D G M E N T**

Petitioner challenges Ext.P3 by which his request for disability pension has been rejected as per order dated 02/08/2002. It is inter alia provided that on scrutiny of his medical board proceedings, it is found that the percentage of disability of the petitioner is only 20% and as per Central Civil Services (Extra Ordinary Pension) Rules, those who are having less than 60% disability are not entitled for disability pension. That apart, it was mentioned that his disease was not attributable nor aggravated by the service conditions. Hence his request for disability pension was denied.

2. The facts involved in the writ petition would indicate that the petitioner was enlisted in the service of Assam Rifles on 03/11/1967 and after 20 years of service, he was discharged as per Ext.P1 dated 30/04/1988 owing to disability as he was certified unfit for future service.

Petitioner was given pension in terms of CCS (Extra Ordinary Pension Rules). However, on the ground that he was disabled, which was attributable to the service that he had endured, he submitted Ext.P2 representation claiming disability pension. The same came to be rejected in terms of Ext.P3.

3. It is inter alia contended that the petitioner was suffering from psychosis which has developed due to service conditions and therefore he was entitled for disability pension as per the CCS (Extraordinary Pension) Rules.

4. Counter affidavit has been filed by the 1<sup>st</sup> respondent inter alia stating that as per the medical board observations produced as Ext.R1(b), it is indicated that the petitioner was suffering from Anxiety Neurosis with hypertension and his disability percentage is 20%. Therefore, he is unfit for active service. Though it is contended by the learned counsel for the petitioner that in case of psychosis, the concerned employee is entitled for disability pension,

there is no material to indicate that the petitioner was suffering from psychosis. Medical Board opinion indicates that the petitioner was having anxiety neurosis. In the absence of any evidence of the medical board indicating that the petitioner was suffering psychosis, which could be attributed to the service he had undergone, it may not be possible for this Court to arrive at a conclusion that the petitioner was entitled for disability pension.

In the said circumstances, I do not think that the petitioner can validly challenge Ext.P3 order and therefore there being no basis for the above writ petition, the same is dismissed.

(sd/-)

**(A.M.SHAFFIQUE, JUDGE)**

jsr





