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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5981/2024

BABU RAM @ BABU RAM SHARMA
S/O- SH. ANANT RAM,
VILLAGE AND P.O.-KARSAI, DISTRICT- HAMIRPUR, PIN- 174312,
DISCHARGED FROM SERVICE ON MEDICAL GROUND AS EX. NO.- 153631
RIFLEMAN/GD FROM 15TH ASSAM RIFLES, C/O- 99 APO.

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI- 110001.

2:THE DIRECTOR GENERAL OF ASSAM RIFLES
SHILLONG
MEGHALAYA-11.

3:THE COMMANDANT
15TH ASSAM RIFLES
C/O 99 APO
PIN- 932015

Advocate for the Petitioner : MS. S BORA,

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 18/11/2024

Heard Ms. S. Bora, learned counsel for the writ petitioner. Also heard Mr. S.P. Choudhury, learned CGC, appearing for the respondents.

The petitioner herein is an ex-serviceman. He was appointed as a Rifleman (GD) on 12/05/1986 under the Assam Rifles. The petitioner was discharged from service on 31/01/1991 on medical ground. Contending that the petitioner was entitled to disability pension, which prayer has not been considered by the authorities till date, the instant writ petition has been filed.

Today, when the matter is called up for motion hearing, Ms. Bora has produced a copy of the letter dated 09/10/2024 issued by the O/C Legal Cell of the Directorate General of Assam Rifles, Shillong, according to which, the claim of the petitioner for disability pension has been acknowledged by the authorities and he has been assured that necessary steps for processing his claim will be initiated in the next batch. The relevant paragraph of letter dated 09/10/2024 is reproduced herein below for ready reference :-

“4. It is brought to your notice that on scrutiny of your medical board proceedings dated 31 August 1990, it is revealed that you were diagnosed to be suffering from "Adjustment Reaction". Your disability was assessed to be at 15-19% and declared to be aggravated by service by the Medical Authorities. Since you were medically boarded out from service and your disability was declared to be aggravated by service, you may be eligible for Disability Pension under Rule 3-A of Central Civil Service (Extra Ordinary Pension) Rules, 1939. Therefore, your case shall be initiated for grant of Disability Pension in the next batch of claims. Disability pension may be granted to you subject to audit clearance by Accounts Authorities.”

Ms. Bora submits that since the request of the petitioner has been accepted, this writ petition be disposed of with a direction to process his claim in a time bound manner.

Mr. S.P. Choudhury, learned CGC, has also agreed to the said proposition.

In view of the above, this writ petition is hereby disposed of at the motion stage by providing that the claim of the petitioner for grant of Disability Pension be processed as expeditiously as

possible by including the same in the next batch of claims.

An attempt be made to disburse the amount payable to the petitioner within a period of six months, along with arrear dues, if any.

The writ petition stands disposed of accordingly.

JUDGE

Sukhamay

Comparing Assistant