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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 582/2016

EX NVK (DB) RAKESH KUMAR Petitioner

Through: Mr. U. Srivastava, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Ms. Shiva Lakshmi, CGSC along
with Mr. Ruchir Ranjan Rai,
Mr. Vivek Sharma, Advocates &
Mr. Manish, Cost Guard.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **24.08.2016**

1. In this writ petition, the writ petitioner has questioned a communication dated 19.03.2014 from the Commandant Joint Director (EP) rejecting the prayer of the writ petitioner for disability pension.

2. The case is indeed unfortunate. The writ petitioner, after qualifying in the written test and medical examination, and after completing all requisites was enrolled in the Coast Guard as Navik and sent for training. In less than two months from the date of his enrolment on 19.04.2013 as Navik, he was diagnosed with Schizophrenia. He was apparently diagnosed with Schizophrenia on 02.06.2013 that is less than one and a half months from the date of his enrolment.

3. It appears that the petitioner underwent treatment in INHS Kalyani from 04.06.2013 to 19.07.2013. On 20.07.2013, the petitioner was admitted and underwent treatment at INHS Nivardini. On 10.12.2013, the petitioner was discharged under Rule 26 of the Coast Guard (General) Rules, 1986.

4. On or about 22.02.2014, the writ petitioner appealed to the respondent authorities for grant of pension under the Central Civil Services (Extraordinary Pension) Rules. The appeal was, however, rejected by an order dated 19.03.2014 impugned in this writ petition. The petitioner has sought directions on the respondents to grant the petitioner disability pension, after referring the case of the petitioner to any independent competent medical authority.

5. From the materials on record, it appears that the petitioner had been referred for medical treatment. Ms. Shiva Lakshmi, learned counsel appearing on behalf of the respondent authorities submits that the writ petitioner was duly examined by a Medical Board which included a Psychiatrist who opined that the writ petitioner was unfit for duty. The opinion was given by Major Sanjay Kumar, Graded Specialist (Psychiatry) INHS Kalyani. It appears that the Medical Board in its report opined that the disability was neither attributable nor aggravated by service. The Medical Board assessed the disability of Schizophrenia at 60% for life.

6. It was also argued that the Central Civil Services (Extraordinary Pension) Rules are not applicable to Naviks of the Coast Guard. However, it is not necessary for us to go into the question of whether the Central Civil Services (Extraordinary Pension) Rules are applicable to Naviks or not. Even assuming that the Rules are applicable, it is difficult for us to differ

with the findings of the Medical Board comprising of a Psychiatrist and more so when severe Schizophrenia of an advanced stage was diagnosed within less than one and a half months of enrolment of the writ petitioner and while the writ petitioner was still undergoing training. The writ petition cannot, therefore, be entertained and the same is rejected.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

AUGUST 24, 2016

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