



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.(MD) No.812 of 2013

WEB COPY

A.Ramaraj

... Appellant/Petitioner

-vs-

1.The Chief of the Army Staff,
South Block, Army Headquarters,
D.H.O.Post, New Delhi-11.

2.The Additional Directorate General,
Personnel Services,
Adjutant General's Branch (PS-5),
Army Headquarters,
D.H.O.Post, New Delhi-11.

... Respondents/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 23.06.2009, made in W.P.(MD) No.7624 of 2006, on the file of this Court.

Prayer in WP(MD). 7624/ 2006 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandmaus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings No. 14593314/DP-3/Pen dated 19/01/2006 and quash the same as illegal and consequentially direct the respodnent to sanction disability pension for the disability suffered by the petitioner in the accident occurred on 15/03/2001 in the course of employment

For Appellant : Mr.T.Lajapathi Roy
For Respondents : Mr.D.Saravanan

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant / writ petitioner and Mr.D.Saravanan, learned counsel appearing for the respondents / respondents and perused the materials produced.

<https://hcservices.courts.gov.in/hcservices/> Writ appeal is directed against the order, dated 23.06.2009, made in W.P.(MD) No.7624 of 2006, by which while dismissing the writ petition, the Writ Court directed the



respondents to sympathetically consider the appellant / writ petitioner's request for payment of disability pension, after taking into consideration that he has suffered disability at 30% while he was in service.

3. It may not be necessary for this Court to consider the grounds raised by the appellant / writ petitioner in the appeal on account of the stand taken by the respondents in their counter affidavit, more particularly in Page No.5, wherein it is stated as follows:

".....In the instant case, since the petitioner is a pre-2006 retiree and was not granted disability pension as he was discharged from service at his own request on extreme compassionate grounds, as per ibid revised policy the applicant is entitled for grant of disability pension and now since he has filed the Court cases, the action to process his case to obtain Govt Sanction for grant of disability pension is under process. On receipt of Govt Sanction, the claim will be processed to PCDA (P) Allahabad for issue of PPO granting disability pension to the petitioner. Hence, the subject case is liable to be dismissed on the grounds of delay and laches and devoid of merit."

4. In the light of the above stand taken by the respondents in their counter affidavit, it is clear that they have already processed the papers for grant of disability pension and awaiting Government sanction. Thus, it would suffice to record the stand taken by them in their counter affidavit and dispose of the writ appeal.

5. Accordingly, the writ appeal stands disposed of by directing the second respondent to take effective steps to obtain Government sanction at the earliest and process the papers for early release of the disability pension to the appellant / writ petitioner. The appellant / writ petitioner shall be informed about the stage of the matter i.e., whether it is pending before the Government or with PCDA (P) Allahabad etc. No costs.

Sd/-
Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar



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+1cc to M/S.D.Saravanan, Advocate SR.No.50058

+1cc to M/S.T.Lajapathi Roy, Advocate SR.No.50195

W.A. (MD) No.812 of 2013
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MAS/RR/SAR 3/06.04.2017/3P/5C