

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21491-2020

Date of decision: 14.12.2020

Ravinder Kumar

....Petitioner

Versus

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

S.N. SATYANARAYANA J. (ORAL)

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

The petitioner-applicant in QA No.442/2010 on file of the Armed Forces Tribunal, Chandigarh Bench, Chandimandir has come up in this writ petition impugning the order dated 24.01.2011 where his application that his pension should be considered for additional payment of half of pension taking the disability which is suffered by him of 30% for life. To buttress his claim, he would like to rely upon Annexure P-4 which is the diagnosis which was made about the medical condition of the petitioner-applicant before the Board.

When we looked into the said document at Column No.4, subsequent to Para No.2 would clearly indicate that the disability for which he was made to compulsory retire from the Armed Forces was not a disability which is attributable to or aggravated by service and further it is observed that the disability existed even before entering services.

In the aforesaid circumstance, we find that the order of the Tribunal rejecting his application appears to be just and proper. However, learned counsel appearing for the petitioner relying upon the judgment rendered in the matter of Dharamvir Singh Vs. Union of India and others, reported in 2013 AIR (SCW) 4236, where he tried to take us through sub-para ii, iii and v of Para 28 and tried to justify his claim. However, when the said sub-paras are read with Annexure P-4, the diagnosis certificate and also the finding of the learned Judicial Member of the Bench of Armed Forces clearly indicate that the factual situation in the present case is clearly distinguishable to the order which is tried to be relied upon by the learned counsel for the petitioner .

In the aforesaid circumstances, we find no grounds are made out to entertain this writ petition even for issuance of notice. However to ensure that this order would reach the contesting respondents, Mr. Rohit Verma, Advocate, learned counsel for the Union of India, present through Video Conferencing, who having taken notice for the respondents at the asking of the Court, is directed to convey a copy of this order to said respondents.

Present petition stands dismissed accordingly.

(S.N. SATYANARAYANA)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

December 14, 2020

m. sharma

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No