

21.04.2021
SL No. 21
Court No.13
(P.M.)

WPA 4658 of 2020
Ex-Sepoy Rambabu Bammidi
- Vs -
The Union of India & Ors.
(Via Video Conference)

Ms. Indrani Gupta
... for the petitioner.

Mr. Debapriya Gupta,
Mr. Sourav Mondal
... for the respondents

The instant writ petition has been filed since the Armed Forces Tribunal at Kolkata is not functional.

The writ petitioner was a sepoy in the Indian Army and lastly posted at Panagarh in Burdwan.

Pursuant to the Court of enquiry proceedings in terms of the Army Act, 1950 the petitioner was discharged from service. The petitioner was found to be a habitual and repeated defaulter. The petitioner was found to be under influence of alcohol despite repeated warnings and admissions of alcoholism.

A Court of enquiry was held and after the detailed proceedings and according to law the petitioner was discharged vide order dated November, 2015. The petitioner has been getting invalid pension in terms of the Army Pension Regulation of 2008. The petitioner prays for disability pension.

According to him the alcoholism arose out of service in the Army. A request with effect was made by the

petitioner and was rejected. It was found that the petitioner's post traumatic epilepsy was due to continued alcohol abuse. It was further found that that the petitioner's alcoholism was in no way connected with his service of Army.

The petitioner preferred a first appeal against the order of discharge from service and towards a prayer for disability pension, which was rejected by an order dated 11th October, 2017. The first appellate authority was also found Alcohol Dependence Syndrome which has caused post traumatic epilepsy.

The petitioner preferred an appeal against the said rejection of disability pension. The said second appeal was rejected by order dated 25th October, 2018.

This court finds that the order of the First Appellate Authority and Second Appellate Authority are supported by reasons. There are concurrent findings of two authorities as regards the petitioner's alcoholism and post traumatic epilepsy as a consequence of such alcoholism. The same has not arisen out of any act in course of service.

This court does not find any reason to interfere with the same. The denial of disability pension to the petitioner according to this Court has been considered in accordance with law. This court does not find any infirmity of the orders of the First and Second Appellate Authority.

Hence the writ petition WPA 4658 of 2020 fails and hereby dismissed there shall be no order as to costs.

It is made clear that this Court has not interfered with the invalid pension paid to the petitioner by the Army.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities

(**Rajasekhar Mantha, J.**)