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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-11617-2017

Date of Decision: 26.04.2022

Lal Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Roy, Advocate,
for the petitioner.

Mr. Sandeep Bhatia, Advocate,
for the respondents-U.O.I.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, prayer of the petitioner is for the grant of disability pension to him from the date the same is due along with all the consequential benefits.

Learned counsel for the petitioner argues that the petitioner joined the Border Security Force on 30.01.1991 and he remained posted at District Ferozepur till 08.01.2012 and thereafter he was posted at Bhikhiwind, Punjab till his retirement, i.e. on 30.12.2012. Learned counsel for the petitioner submits that in the year 2010, the petitioner was diagnosed with “Persistent Delusional Disorder” and he remained admitted in the hospital for a period of approximately one month and thereafter he remained on treatment for the said ailment. Learned counsel further submits that as the petitioner was ultimately boarded out of the Border Security Force on 30.12.2012 due to his ailment, which ailment was attributed to the military service, therefore, the petitioner is entitled for the grant of disability pension

to him.

Upon notice of motion, the respondents have filed the reply, wherein they have mentioned that the petitioner was treated for the “Persistent Delusional Disorder”, which was a temporary low medical category, but as his medical condition improved later on, therefore, no further treatment was required, but the petitioner still applied for the grant of voluntary retirement, w.e.f. 30.04.2013, and he appeared before the Commandant and served the notice for the said voluntary retirement. Thereafter, he again appeared before the Commandant for preponing his request for voluntary retirement, w.e.f. 31.12.2012, due to his compelling domestic problems and keeping in view the said request of the petitioner, he was granted the voluntary retirement, w.e.f. 30.12.2012, and therefore, claim of the petitioner that he was boarded out of the Border Security Force on the basis of some ailment, is not at all correct.

There is also no replication filed by learned counsel for the petitioner to the averments made by the respondents in their written statement.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The facts which have emerged as per the pleadings of the parties, as recorded hereinbefore, are that the petitioner made a request for the voluntary retirement himself to the respondents, after compelling domestic problems, though at one given point of time, the petitioner suffered from some ailment, but that was temporary in nature. It is a conceded fact during the hearing of the present petition that the petitioner was never boarded out of the Border Security Force by the respondents on

the basis of some ailment, which can be termed as attributable to the military service. Once the petitioner was voluntarily retired and that too upon his own request citing some domestic problems, prayer of the petitioner that he is entitled for the grant of disability pension to him is not made out. There is nothing on record to show that the petitioner was ever boarded out of the Border Security Force on medical ground and that too on the basis of some ailment, which is attributed to the military service. That being so, the claim of the petitioner, as raised in the present petition, is not supported by the facts, hence cannot be accepted.

The present petition is accordingly dismissed.

26.04.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : No