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W.P.No.24973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.24973 of 2023

S.No.1322396 Ex.Spr Ramasamy,
Son of Ponniah,
aged 80 years, MEG Records,
Sinthala Vandanpatti, Sathrapatti,
Palani Taluk, Dindigul District,
State: Tamil Nadu, PIN - 624 601

.... Petitioner

VS

1. Union of India represented by
its Secretary to Government of India,
Ministry of defence, South Block,
New Delhi - 110 011.
2. Chief of Army Staff,
Armed Head Quarters (AHQ)
Defence Head Quarters (DHQ),
Integrated Head Quarters (IHQ),
New Delhi - 110 011.
3. Principal Controller Defence Accounts (Pension),
Droupati Ghat, Allahabad,
Uttar Pradesh, PIN - 211 014.



W.P.No.24973 of 2023

4. Madras Engineering Group,
Abhilekh Karyalaya, REcord Office MEG,
Sivanchetty garden Post, PB No.4201,
Bangalore - 560 042.

5. The Commanding Officer,
13, Engineer Regiment,
C/O 56 APO, PIN - 900 493

6. The Registrar,
Armed Forces Tribunal Regional Bench,
No.1A, Rudhra Road,
St.Thomas Mount,
Chennai - 16.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the passing of the order dated 02.02.2023 in O.A.No.81 of 2021 with M.A.No.77 of 2021 on the file of the 6th respondent and quash the same and consequently allow the O.A. as prayed for.

For Petitioner : Mr.M.Selvaraj

For Respondents : Mr.K.Ramanamoorthy,
Central Government Counsel for R1 to R5
R6 -Tribunal

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed challenging the order dated 02.02.2023 passed by the 6th respondent /Armed Forces Tribunal, by which,



W.P.No.24973 of 2023

the claim of the petitioner for grant of disability pension or special pension with effect from 04.03.1973, was rejected.

2. The case of the petitioner is that he was enrolled as Sepoy on 27.02.1961 and worked at various places in India. During the war with Pakistan, the petitioner got wounded in mine blast on 10.12.1971 in war field, where splinter mine pierced on his eye and he was practically disabled. Battle Casualty seal was put on his discharge book which piece of evidence is sufficient that he was injured in battle. The Commanding Officer of 13 Engineers, after verifying the records in unit asked the 4th respondent to consider the petitioner's case for disability pension. Due to disability, on compassionate ground, the petitioner was discharged after about 13 years of military service. Many petitioner's seniors and juniors were sent out by records/Army and all of them are receiving special pension on the basis of completion of 10 years of service with disbandment of Reserve Unit but the petitioner was not even given special pension by considering his 10 years service. The petitioner gave an application before the 6th respondent/Armed Forces Tribunal for grant of disability pension or special pension with effect from 04.03.1973, but the same was rejected. Hence, the present writ petition.

3. We have considered the submissions made on either side and perused



W.P.No.24973 of 2023

the materials available on records.

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4. While disposing of the Original Application, it has been specifically stated that as no medical documents were available, it was not possible to determine the extent of the blast injury suffered by the applicant and therefore, the Tribunal, finding that the applicant was not able to produce the medical documents showing the extent of injury and the details of hospitals to substantiate his claim, dismissed the application. We are not inclined to interfere with the order dated 02.02.2023 passed by the 6th respondent, as we do not find any infirmity or illegality in the impugned order. Therefore, the Writ Petition stands dismissed. No costs.

(J.N.B., J.) (N.M., J.)
03.11.2023

vsi

Index : Yes / No

Internet : Yes / No

To

1. The Secretary to Government of India,
Union of India,
Ministry of Defence,
South Block,
New Delhi - 110 011.



W.P.No.24973 of 2023

2. Chief of Army Staff,
Armed Head Quarters (AHQ)
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W.P.No.24973 of 2023

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W.P.No.24973 of 2023

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