



WEB COPY



W.P.No.36946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.P.No.36946 of 2024

Ex 9512609A HAV MARIMUTHU

... Petitioner

Vs.

- 1.The Registrar
Armed Forces Tribunal
Regional Bench, Chennai.
- 2.The Union of India
Represented by its by the Secretary
Government of India, Ministry of Defence
Room No.227, B-Wing,
Sena Bhawan,
New Delhi 110 011.
- 3.The Chief of the Army Staff
Integrated HQs, MoD (Army), South Block
DHQ Post, New Delhi 110 001.
- 4.PCDA (Pension)
Drapuadi Ghat, Allahabad UP 211 014.



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5.The Chairman, SACP
IHQ of Ministry of Defence (Army)
Pin - 900 256, C/o 56 APO.

6.The Officer in Charge of Records
Army Education Corps, Pachmarhi 561 881
Madhya Pradesh.

7.The Managing Director
Armed Group Insurance Fund
Integrated HQ of MOD (Army)
Adjutant General's Branch
AGI BHAWAN RTR MARG
Vasanth Vihar,
New Delhi 110 057.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent (Hon'ble Armed Forces Tribunal, Regional Bench, Chennai) culminating in the impugned order dated 04.08.2023 in O.A.No.85 of 2022 and quash the same.

For Petitioner	:	Mr.U.Gowrishankar
For R2 to R6	:	Mr.A.R.Sakthivel Senior Panel Counsel



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is directed against the order of the Armed Forces Tribunal, Regional Bench, Chennai, dated 04.08.2023 in O.A.No.85 of 2022.

2.The petitioner was enrolled in Indian Army on 24.08.1996 and discharged on 31.08.2020 after rendering 24 years of service. The petitioner is also receiving service pension. Prior to the discharge of petitioner from service, he was assessed with disability due to primary hypertension @ 30% and obesity @ 5%. The Medical Board opined that the disability was neither attributed nor aggravated by service. Therefore, when the petitioner applied for disability pension, the 5th respondent rejected the application by order dated 07.12.2020. Thereafter, the petitioner preferred an appeal which was also rejected by the Appellate Authority by order dated 13.07.2021. Though a Second Appeal was also preferred, the petitioner, during the pendency of the Second Appeal, filed a petition before the Armed Forces Tribunal claiming disability pension. The Armed Forces Tribunal, by the impugned order dated 04.08.2023, rejected the claim of the petitioner. Challenging the



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same, the above writ petition is filed by the petitioner.

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3.The fact that the petitioner is now receiving service pension is not in dispute. Disability Pension can be granted only to an individual who is invalidated from service on account of a disability which is attributable or aggravated by military service. In this case, the petitioner was invalidated due to a disability which is in the nature of life style disease. Therefore, this Court, having regard to the admitted facts and the findings of the Armed Forces Tribunal, is unable to entertain this writ petition. Since the Armed Forces Tribunal has considered every material and submission of the petitioner in a proper perspective and there is no irregularity or illegality either in the decision or the decision making process, this writ petition is devoid of any merits. Hence, this writ petition is dismissed. No costs.

(S.S.S.R., J.) (P.D.B., J.)
13.12.2024

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Neutral Citation : Yes



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To
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