



W.P.No.9 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.9 of 2024

S.No.:64529 Ex-Seaman Anke Narasimulu Naidu

... Petitioner

Vs.

1.Union of India represented by its
Secretary to Government of India,
Ministry of Defence (Navy),
South Block,
New Delhi – 110 011.

2.Chief of the Naval Staff,
The Integrated Head Quarters (IHQ) of MoD (NAVY)
D-II Wing, Sena Bhavan,
New Delhi – 110 011.

3.Principal Controller Defence Accounts
Office of PCDA (Pensions)
DroupatiGhat, Allahabad,
Uttar Pradesh, PIN – 211 014.

4.The officer in charge,
C/o. INS Tanaji, Sion, Trombay Road,
Mankhurd, Mumbai – 400 088.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the passing of the order dated 13.10.2022 in O.A.No.182 of 2017 with M.A.No.238 of 2017 on the file of the Armed Forces Tribunal, Regional Branch, Chennai, and quash the same and to consequently direct the respondents to grant Disability Pension by broad banded to 50% Disability element of Pension or at least Invalid Pension with all consequential benefits.

For Petitioner : Mr.M.Selvaraj
For R1 to R4 : Mr.A.R.Sakthivel
Senior Panel Counsel
Central Government Standing Counsel

ORDER

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

This writ petition is filed to quash the proceedings of the Armed Forces Tribunal, Regional Bench, dated 13.10.2022, in O.A.No.182 of 2017, and to direct the respondents to grant Disability Pension with broadbanding benefit at 50% Disability element of Pension or at least Invalid Pension with



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all consequential benefits to the petitioner.

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2. Brief facts that are necessary for the disposal of this writ petition are as follows :

2.1. The petitioner was enrolled in the Navy on 10.04.1955 and he was invalidated from service with effect from 13.07.1962 for the disability 'Schizeophrenia Reaction'.

2.2. It is the case of the petitioner that his right shoulder was dislocated and that while taking treatment, he was given electric shock, which resulted in the change of his mental behaviour and subsequently, he was medically diagnosed to suffer from 'Schizeophrenia Reaction'.

2.3. Though the petitioner submitted some representations and his representations were rejected even according to the petitioner, the petitioner appears to have filed an Original Application before the Tribunal after 55 years. The petitioner's claim was considered by the Tribunal on merits and the Tribunal found that the opinion of the Medical Board at the relevant point of time was based on facts recorded and supported by evidence and that the petitioner has not produced any records to support his claim, since a



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person claiming Disability Pension must establish that the injuries suffered by him bears a casual connection with his service. The Tribunal, after considering the application of the petitioner in the light of several precedents and the medical opinion of the Board at the relevant point of time, came to the conclusion that the petitioner's claim cannot be acceded to, as it was devoid of merits. The Tribunal also found that the petitioner's claim is stale, as the petitioner has no explanation for the inordinate delay of 19932 days (about 54 ½ years) and that the claim is liable to be rejected on the ground of delay and laches.

3.This Court, having regard to the findings recorded by the Armed Forces Tribunal, is unable to find any merit in the above writ petition. In view of the specific findings rendered by the Tribunal, this Court finds no material irregularity or infirmity in the decision or decision making process, so as to interfere with the impugned order of the Armed Forces Tribunal, by exercising our jurisdiction under Article 226 of the Constitution of India.



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WEB COPY 4. Therefore, this writ petition is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
05.01.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Secretary to Government of India,
Ministry of Defence (Navy),
South Block,
New Delhi – 110 011.
2. The Chief of the Naval Staff,
Integrated Head Quarters (IHQ) of MoD (NAVY)
D-II Wing, Sena Bhavan,
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